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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record of the 1247th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 21 October 2014, at 10 a.m.

Chairperson: Ms. Ameline

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of the Bolivarian Republic of Venezuela

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of the Bolivarian Republic of Venezuela (CEDAW/C/VEN/7-8; CEDAW/C/VEN/Q/7-8; and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Bolivarian Republic of Venezuela took places at the Committee table.*

2. **Ms. Tarazón** (Bolivarian Republic of Venezuela), introducing the combined seventh and eighth periodic reports of the Bolivarian Republic of Venezuela (CEDAW/C/VEN/7-8), said that one of the Government's main aims was to eradicate the vestiges of a patriarchal State that oppressed women. The Ministry of People's Power for Women and Gender Equality was established in 2009 under the leadership of the former President of the Bolivarian Republic of Venezuela, Hugo Chávez. The mechanisms to increase women's participation in politics, various services for women and training programmes on gender equality had helped to enable women to exercise their rights. Much progress had been made in promoting women's rights despite constant attacks by national and foreign actors intent on disturbing the peace in the country. Under the leadership of President Chávez, local community councils and grass-roots movements had been created in an attempt to increase the participation of the people in public life. Currently, 55 per cent of community councils were led by women. Furthermore, an increasing number of women held decision-making posts in Government. Three of the five government branches were headed by women, namely the judicial, electoral and civic branches. The Ministry of People's Power for Women and Gender Equality had established numerous committees to promote gender equality and equity at the local level and a national advisory council representing around 500 women's movements and organizations that currently reported to the Office of the President.

3. In 2007, the parliament had adopted the Act on Women's Right to a Life Free from Violence, which drew upon the provisions of both the Convention and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. The Act classified violence against women as an offence against public order and provided for shelters for victims of gender-based violence, penalties for 19 forms of violence against women and specialized courts and prosecution services for cases of violence against women. Moreover, in August 2014, the National Assembly had introduced amendments to the Act to include the crimes of femicide, aggravated femicide and incitement to suicide as extreme forms of gender-based violence. The National Institute for Women had set up legal and psychological services, shelters and a confidential 24 hour emergency hotline for vulnerable women.

4. The Government had given effect to the Committee's recommendation that it should devise a plan of action to mainstream a gender perspective at all levels and in all areas by adopting the Mamá Rosa Gender Equality and Equity Plan (2013–2019). The Plan had been discussed on a number of occasions with women from various walks of life. A total of 3,000 proposals had been received and taken into account when finalizing the Plan. The Plan included the following strategic objectives: to increase women's participation in political life; to increase women's participation in the new socialist economy; to include women in all Government social programmes; to eradicate violence against women; and to raise the awareness of all sectors of society about gender perspectives. Furthermore, the Government required all State institutions to include at least one programme aimed at mainstreaming a gender perspective in their annual plans. The budget of the Ministry of People's Power for Women and Gender Equality had more than doubled between 2011 and 2014.

5. The Government had followed up on the Committee's recommendation that it should take measures to address gender stereotypes by establishing an agency to monitor sexist or discriminatory content in the media in cooperation with women's organizations. The Government had also organized a number of workshops to provide training on gender equality, mainstreaming gender perspectives and preventing gender-based violence. Since 2013, almost 342,000 people had benefited from that training. The Government had focused its efforts on ensuring that boys and girls could access the education system on an equal footing. The primary school attendance rate was currently only slightly higher for boys than for girls while the secondary school attendance rate was currently higher for girls than for boys, which indicated that the Government had made significant progress in eliminating gender disparities in education. In addition, a number of textbooks now covered topics such as sexual identity, gender and sexual and reproductive rights.

6. The Government had adopted a series of programmes to remedy the problem of early pregnancy, which included the national plan to protect women's sexual and reproductive rights for the period 2014–2019. Female unemployment had fallen from 16 per cent in 1999 to 7.5 per cent in 2014. More than 2.5 million people were receiving a regular pension, of whom 58 per cent were women. Moreover, of the more than 213,000 people working in the informal sector who had been registered with social security services, 60 per cent were women. Under the Labour Act, parental leave had been increased for breastfeeding and prenatal and postnatal care and expectant mothers were afforded protection against dismissal during pregnancy and the first two years of the child's life. Sexual harassment in the workplace was also a criminal offence punishable by the Code.

7. The National Institute of Statistics had published gender-disaggregated data on education, income, employment and health in 2011, 2012 and 2013 with a view to a better assessment of the impact of policies and programmes on women and would include indicators on gender-based violence for 2014.

8. **Ms. Zuleta de Merchán** (Bolivarian Republic of Venezuela) said that the Act on Women's Right to a Life Free from Violence had been adopted to help guarantee women and girls full enjoyment of their rights. The 1999 Constitution provided that international human rights instruments had constitutional status and prevailed over domestic legislation. The Constitutional Chamber of the Supreme Court of Justice recognized the primacy of such instruments and had issued a ruling establishing the competence of specialized courts to deal with cases involving violence against women and trafficking in women and girls. The Government was in the process of repealing outdated laws containing discriminatory provisions. For example, the minimum age for marriage was currently set at 16 years of age for both boys and girls and the Constitutional Chamber had recommended that it should be raised to 18 years of age. The National Gender Justice Commission was responsible for overseeing judges dealing with cases of gender-based violence. Those judges received continuous training. In the parts of the country where courts with special jurisdiction over gender-based violence had not yet been established, municipal courts dealt with the cases. The Government also intended to establish such courts in border areas in an attempt to combat trafficking in women and girls, which was prevalent in those areas. To date, more than half the number of cases brought before those courts had been resolved. Furthermore, the Criminal Code provided that judges competent to deal with cases of gender-based violence could also hear cases involving such violence committed abroad when the victim and the perpetrator were both Venezuelan nationals.

Articles 1 to 6

9. **Ms. Pimentel** asked what progress had been made to date in reforming the Criminal Code; what were the main obstacles to that process; and when the bill on the right of women to gender equality and equity and the bill on trafficking in persons would be

adopted. She requested specific data on the impact of the various policies and programmes for the advancement of women carried out by the State party. She also asked whether the National Gender Justice Commission functioned effectively and how the State party measured the impact of its policies and programmes aimed at affording women access to justice.

10. **Ms. Bareiro-Bobadilla** said that, despite the prohibition of gender discrimination and guarantees of equality before the law under the Constitution, and the efforts at legal reform, laws that discriminated against women were still in force in the country. She asked whether the State party had made a comprehensive list of all such laws and what progress it had made in repealing them.

11. **Ms. Pires** said that the State party had failed to include gender-disaggregated statistical data on the impact of its policies and programmes in both rural and urban areas in its periodic report as the Committee had requested and had only specified the number of women who had benefited from those policies and programmes. She requested additional information on the impact of the Juana Ramírez la Avanzadora Equality Plan 2009–2013 and how its results had affected the Mamá Rosa Gender Equality and Equity Plan (2013–2019). She wished to know whether each policy and programme adopted included a monitoring and evaluation plan and whether the State party had considered developing verifiable indicators for measuring the impact of such policies and programmes. Lastly, she enquired as to whether women's organizations were consulted as a matter of course on national policies and programmes concerning women.

12. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that numerous committees on women and gender equality had been set up within community councils to provide women with an opportunity to meet and discuss policies and programmes concerning them. Women's organizations also provided input into regional policies and programmes concerning women. The national advisory council worked closely with the Ministry of People's Power for Women and Gender Equality and reported directly to the Office of the President on policies and programmes concerning women.

13. **Mr. Devoe** (Bolivarian Republic of Venezuela) said that work to develop a comprehensive nationwide data-collection system was ongoing. Building on the various initiatives described in the report and the replies to the list of issues, in June 2014 the Government had begun designing a national system for following up on treaty body recommendations which would encompass over 150 quantitative and qualitative indicators. The National Council for Human Rights, established in April 2014 to serve as a policy coordination and oversight body, would monitor those indicators on a regular and systematic basis with a view to identifying gaps and measuring progress.

14. **Ms. Hernández Royett** (Bolivarian Republic of Venezuela) said that an anti-trafficking bill was still at its first reading but that the trafficking and smuggling of women and children was already expressly criminalized in other legislation. Legal support and other assistance for victims had been greatly improved, and a robust system of protection was clearly delineated in article 2 of the Act on Women's Right to a Life Free from Violence. Responding to the concerns raised about the lack of appropriate administrative measures to support the legislative efforts, she drew the Committee's attention to the recently launched training and awareness-raising programmes for public-sector employees. The programmes targeted providers of services to victims of violence, inter alia, and advocated a caring and compassionate approach.

15. **Mr. Zapata** (Bolivarian Republic of Venezuela) said that a wide-ranging review of the nation's social values had provided the impetus to develop new mechanisms for delivering gender equality and make the construction of a fair and equalitarian society one of the core objectives of the socialist economic development plan for 2013–2019. The bill

on gender equality and equity was one of several in the pipeline that would help the Government to achieve that goal. Following consultations with the Ministry for Women, the Ministry for Education and civil society organizations, an updated draft of that bill, which envisaged the creation of various new institutions, including a national advisory council for women, was due to be considered by the National Assembly in the near future.

16. **Ms. Bareiro-Bobadilla** said that most of the aforementioned reforms had been covered in the report. What she wished to know was the reason for the delays in the comprehensive review needed to identify and repeal the numerous discriminatory provisions in national law that had still not been aligned with the Constitution, over 15 years since its enactment, and when all the required amendments would be completed.

17. **Ms. Pimentel** sought the delegation's comments on reports from alternative sources, which indicated that dialogue with women's associations was limited to government-sponsored groups only, to the exclusion of independent NGOs.

18. **The Chairperson**, speaking as an expert, asked what was being done to reinforce the rule of law in general and the situation of women in prisons in particular.

19. **Ms. Zuleta de Merchán** (Bolivarian Republic of Venezuela) said that certain key pieces of Venezuelan legislation, including the Criminal Code, dated back well over 50 years and thus contained a number of provisions that were certainly outdated, if not sexist. However, through its case law, the Constitutional Chamber of the Supreme Court was driving a comprehensive review and reform of all provisions deemed to run counter to the Constitution. Judges were expressly trained to identify such provisions, and could refuse to apply them, with the result that discriminatory articles were annulled in practice even if not officially repealed. For example, the criminal provisions which rendered women who committed adultery liable to imprisonment but established no equivalent penalties for male adulterers had been definitively annulled in 2006, as had the provisions that exonerated perpetrators of sexual assault who subsequently married their victims.

20. Although the Supreme Court's case law was central to the legislative reform process, its powers were limited to declarations of unconstitutionality and unenforceability. Thus, while the Constitutional Chamber had been able to use arguments of discrimination and unconstitutionality to support a de facto increase in the minimum marriageable age for girls from 14 to 16 years, in line with the equivalent age for boys, it could not formally repeal the existing provisions and introduce a new minimum age; the corresponding legislative amendments would have to await parliamentary approval.

21. The remit of the National Gender Justice Commission included reviewing the role of judges, particularly in cases involving violence against women, and advising the Supreme Court on their appointment and removal and how to maintain an appropriate gender balance. The Commission was composed of one representative of each of the six chambers of the Supreme Court and, at present, had an exemplary 50:50 gender split. Women were well represented in the judiciary in general, outnumbering men overall and accounting for nearly half of all Supreme Court judges.

22. Access to justice for women was facilitated by the availability of first instance judges empowered to hear domestic violence cases in circuit courts in 16 states. There were 2 appellate courts and a further 14 specialized courts were planned. In the meantime, where there was no specialized court nearby, local municipal judges were also competent to preside over first instance hearings in cases of violence against women.

23. **Ms. Neubauer** said that the examples of affirmative action cited in section 4 of the report suggested that the meaning and scope of temporary special measures were still not properly understood by the State party, despite the observations and recommendations made by the Committee in its concluding comments to the previous periodic report. For

example, the preferential credit schemes mentioned were available to both men and women while support programmes for teenage mothers and pregnant teenagers were general policy measures, not measures of a temporary special nature. She wished to know about any efforts to enhance understanding among parliamentary bodies, government officials and other relevant actors of the meaning and scope of temporary special measures, as interpreted in general comment No. 25, and thus to ensure a clear distinction between general social and economic policies which benefited women and temporary special measures under article 4 of the Convention.

24. She also wished to know how the Government monitored the implementation and success of the measures reported as temporary special measures and ensured that the results yielded were sustainable, and whether temporary special measures were considered an appropriate means to address issues affecting other categories of women, such as older women, women with disabilities, migrant women and women in prostitution.

25. **Ms. Hayashi**, referring to shadow reports of incidents of rape and assault of female prisoners, asked for details of the criminal penalties imposed on perpetrators and the reparation available for victims. She also wished to know: the geographical distribution of the shelters for victims of domestic violence mentioned in the opening statement; the number of women they could cater for; whether NGOs were involved in their operation and, if so, whether the Government provided them with sufficient financial and human resources; whether the provisions of the Criminal Code which granted impunity to perpetrators of violence against women who married their victims had been officially repealed, in line with the 2009 recommendation of the Inter-American Commission on Human Rights; and what measures were in place to prevent violence against women, including women who were abused by their partners.

26. **Ms. Pimentel**, lamenting the persistence of negative gender stereotypes in the Venezuelan media despite the State party's commendable legislative efforts, asked what strategies were being used to further the fight against that continuing scourge and whether any targeted campaigns to combat negative portrayals of the lesbian community were under way or envisaged. With regard to violence against women, she wished to know: whether the Government planned to review the Act on Women's Right to a Life Free from Violence to extend its protection to lesbian, gay, bisexual and transgender (LGBT) persons; whether free legal assistance was available for all women who were unable to afford counsel; whether accurate national statistics attesting to the proportion of reported cases that resulted in prosecutions and convictions were available; whether remedies were available; and, if so, how often they were granted.

27. **Ms. Jahan**, noting that trafficking in women and girls was reported to have reached worrying levels, particularly in the tourist centres so important to the State party's economy, sought an update on the time frame for adoption of the anti-trafficking bill, together with assurances that its content was gender-sensitive and compliant with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). She also sought information about: the review of the national plan of action to combat trafficking; the financial and human resources allocated to the government agency responsible for coordinating anti-trafficking efforts; the evaluation mechanisms used to monitor the success of those efforts; the gender component of prevention and victim support programmes; the role of NGOs in running those programmes; and what was being done to facilitate the identification of trafficking victims among vulnerable population groups and address the dearth of comprehensive victim support services, including the lack of a dedicated shelter for trafficking victims.

28. Lastly, she invited the delegation to explain the marked reduction in the number of trafficking cases between 2007 and 2010 suggested by the figures cited in the report, noting

with concern that under-reporting or inadequate record keeping were more likely causes than a genuine decline; to indicate whether the comprehensive assessment of the causes and extent of prostitution called for in the Committee's previous concluding comments had been conducted; and to confirm that all necessary safeguards were in place to protect women and girls from exploitation through sex tourism.

29. **Ms. Yekuna Martínez** (Bolivarian Republic of Venezuela) said that, as required under the Constitution, the Government of Venezuela endeavoured to ensure that consultation processes were participatory and open to all sectors of society, including women's NGOs. Unfortunately, opposition party supporters and a number of prominent women's groups had declined to attend a recent conference for peace and life despite a personal invitation from the President. Nonetheless, after years of exclusion and discrimination, Venezuelan women were beginning to achieve significant levels of participation in the executive branch, the legislature and, most significantly, the more than 44,000 local community councils. In addition, the President had recently announced that the ruling party would adopt alternating lists for the forthcoming elections with a view to achieving greater gender parity in political office.

30. Negative media stereotyping and its effects were addressed in two laws – the Act on Social Responsibility in Radio and Television and the Act on Women's Right to a Life Free from Violence. To support the legislative effort, the Ministry of People's Power for Women and Gender Equality had established the Carmen Clemente Travieso Media Observatory, to which interested parties were urged to report any discriminatory, stereotypical or violent content disseminated in the private media. The Government was mindful of the need not to infringe on freedom of expression but likewise anxious to ensure that all flagrant violations of the framework for the protection of women were eliminated.

31. There were currently some 4,200 women deprived of their liberty in 43 detention facilities across the country, including women's prison wings and judicial and pretrial detention centres. The recently established Ministry of People's Power for Prison Affairs and the Ministry of People's Power for Women and Gender Equality were working together to improve conditions and guarantee respect for the human rights of those women, and there was a programme for the protection of the rights of women deprived of their liberty and of female relatives of prisoners. As part of that programme, women deprived of their liberty were being included in the Flora Tristán national social care system and childcare centres were being created for their children. Training was provided to women on issues such as violence against women and sexual and reproductive rights. An interministerial programme was in place to provide dental, gynaecological and psychological care to women in detention facilities. Part of the Women's Development Fund had been allocated to social and economic empowerment projects for detained women.

32. **Mr. Devoe** (Bolivarian Republic of Venezuela) said that guaranteeing the rights of persons deprived of their liberty, particularly women, had been one of the most difficult challenges faced when the revolution had begun in 1999. Since then, constant efforts, including training and restructuring of the prison system, had been made to ensure the full respect of rights in prison facilities. The State had a clear policy of zero tolerance of violations of human rights. The repressive system under the previous regime had been successfully dismantled and violations by prison officials were now duly investigated and sanctioned.

33. **Ms. Zuleta de Merchán** (Bolivarian Republic of Venezuela) said that there was indeed a system of free legal aid for female victims of violence, in accordance with the Act on Women's Right to a Life Free from Violence. A group of special defence lawyers had been set up under the Ministry of People's Power for Women and Gender Equality to assist women victims. Efforts were being made to combat impunity in relation to gender-based violence. For example, victims could now bring a case before the courts themselves without

the assistance of the Public Prosecution Service if the Service did not bring an indictment against the perpetrator within four months. Many victims had availed themselves of that opportunity. With regard to the results to promote the participation of women in the judiciary, as at May 2014, there had been a total of 2,005 judges in the country, 1,304 of whom were women and 701 men.

34. Combating stereotypes was one of the most difficult policy measures to implement because sexist images of women were widely used in the tabloid press to attract male readers and generate revenue. It was thus difficult to combat gender stereotypes without bankrupting the newspapers. Nonetheless, legal action had been taken against certain newspapers; one such example was the case against the *Diario Meridiano*, in which the Constitutional Chamber had made an order prohibiting the national daily from publishing advertisements with explicit sexual content.

35. **Ms. Tarazón** (Bolivarian Republic of Venezuela), referring to the adoption of special temporary measures to support gender equality, said that one of the most important policies in that regard was the integration of women into social programmes, primarily those aimed at eradicating poverty and the feminization of poverty. The Neighbourhood Mothers and Sons and Daughters of Venezuela missions provided important temporary protection measures to enable women to progress towards financial independence and improved quality of life. Some 460,000 women nationwide were receiving financial assistance and health and education support under those programmes. The establishment of the Women's Development Bank had marked another major step forward in that regard. Given that one of the ongoing challenges was the mainstreaming of gender perspectives, recent measures adopted by the President to include equity and equality criteria in a number of social programmes were to be welcomed. The recently established Community Development Bank would allocate 50 per cent of funds for the economic empowerment of women. The decentralization of the Mamá Rosa Gender Equality and Equity Plan had resulted in the introduction of gender-sensitive budgets in governors' offices and local authorities throughout the country.

36. **Ms. Hernández Royett** (Bolivarian Republic of Venezuela) said that the recently established national office against organized crime and the financing of terrorism was the focal point for designing strategies to deal with trafficking. However, pursuant to a recent judgement by the Constitutional Chamber, the Ministry of People's Power for Women and Gender Equality and the National Institute for Women were now responsible for overseeing the protection and care of women and girls. A memorandum of understanding had been concluded with Brazil and efforts were under way to set up a comprehensive care and training centre at the border, with a focus on victims of trafficking in women and girls. There were also plans to set up a special court. There were six specialized shelters for victims of trafficking nationwide. The National Office for Women's Rights provided legal assistance and support to women at the national level, without any form of discrimination.

37. With regard to prostitution, the State had ratified non-binding and binding international instruments, such as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the International Labour Organization Worst Forms of Child Labour Convention (No. 182). In Venezuela, forced prostitution and sexual exploitation were crimes under the Act on Women's Right to a Life Free from Violence. Efforts were being made to develop an inter-institutional approach to dealing with the interrelated problems of forced prostitution and trafficking in women.

38. **Ms. Zuleta de Merchán** (Bolivarian Republic of Venezuela) said that the 2011 Organized Crime and Financing of Terrorism Act covered trafficking in persons and reproduced part of the Act on Women's Right to a Life Free from Violence, which had been the first law to specifically criminalize trafficking in women. There were currently 14

cases involving trafficking before the special courts on gender violence. However, some private defence counsels had requested to have the cases heard under the jurisdiction of the ordinary courts. In a recent judgement, the Constitutional Chamber had ruled, on the basis of the Convention, that the special courts had jurisdiction over such cases if the victims were women or children. Victims received better treatment in the special courts, as they had interdisciplinary teams of professionals trained to deal with such difficult cases.

39. **Ms. Pimentel** asked whether the legal prohibition of trafficking covered all aspects of the crime, in accordance with international standards. For example, was demand by clients for adolescents and girls specifically criminalized? She wished to know whether there was any partnership between the academic and political communities on policy development.

40. **Ms. Jahan** welcomed the fact that, since the State party's universal periodic review in 2012, progress had been made in developing an anti-trafficking bill. She wondered whether that bill was sufficiently gender-sensitive and provided for sufficient protection for women victims. She asked whether the six shelters mentioned were exclusively for victims of trafficking or whether they were also open to victims of gender violence. She wondered how the court order prohibiting the advertising of prostitution services in the national press was being enforced.

41. **Ms. Ye'kuna Martínez** (Bolivarian Republic of Venezuela) said that all sectors of public life, particularly those that had historically fought for the protection of women's rights, were involved in gender equality policy work. The Ministry of People's Power for Women and Gender Equality maintained important links with female Venezuelan academics, who actively participated in designing, implementing and monitoring policies.

42. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that the recently established Argelia Laya Polytechnic University provided a forum for participation and exchange with the academic world. The Ministry of People's Power for Women and Gender Equality was building an alliance with the National Council of Universities in order to develop joint projects with universities. The Ombudsman's Office also provided the Ministry with the results of its research.

43. **Ms. Zuleta de Merchán** (Bolivarian Republic of Venezuela) said that the Constitutional Chamber regularly called on specialists, including academics, to give expert testimony, for example in cases related to family and indigenous rights. With regard to the order on the prohibition of advertising sexual services, failure to comply with the order would result in arrest. It was difficult to legislate on the issue without being challenged by the media.

Articles 7 to 9

44. **Ms. Neubauer** commended the State party on the progress made in improving the participation of women in public and political life. However, she wished to clarify a number of inconsistencies. For example, she would be interested to know why the number of women in the National Assembly had increased by 8 per cent in 2005 but had then decreased slightly in 2010 and what additional measures were being envisaged to achieve parity in elected and appointed office. She asked whether political parties had their own internal quota rules and what was the percentage of women in decision-making positions in the main political parties. It appeared that the number of women in the cabinet had decreased between March 2012 and January 2014, and now only 4 of 31 ministerial positions were held by women, which indicated that the policy approach did not ensure the sustainability of the results achieved. She would be interested to hear how the representation and participation of indigenous women and women of African descent was addressed.

45. **Ms. Bareiro-Bobadilla**, referring to article 9, noted that there were no contradictions between the constitutional provisions on citizenship and the Convention, but asked whether, in practice, there was a good system of birth registration, particularly in border and indigenous areas and for the children of Venezuelans born abroad.

46. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that the aim was to ensure that at least 30 per cent of seats in the National Assembly were occupied by women by 2015.

47. **Ms. Yekuna Martínez** (Bolivarian Republic of Venezuela) said that the United Socialist Party (PSUV), the country's main political party, was the only one to have complied with the resolution of the National Electoral Council on the principle of parity. The delegation called on the Committee to support efforts to guarantee that all political parties respected that principle. The bill on gender equality that was currently under consideration provided for the principle of gender parity in all political organizations. The percentage of women in the National Assembly currently stood at 17 per cent. Four of the country's 23 governors and 16 per cent of mayors were women. The Ombudsman's Office, the Attorney-General's Office and the Office of the Comptroller-General were all headed by women. Efforts were being made to improve the representation of women in traditionally male-dominated sectors, such as the military, and a woman had recently been named Minister of Defence and Admiral in Chief.

48. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that the President was encouraging ministers to appoint female deputy ministers. Major efforts were being made to increase the number of women and young people in decision-making positions. Gender parity would not be achieved in the short term, and it was therefore natural for there to be slight fluctuations from year to year until that goal was attained.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the 1248th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 21 October 2014, at 3 p.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined seventh and eighth periodic reports of the Bolivarian Republic of Venezuela (continued)

* No summary record was prepared for the rest of the meeting.

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Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of the Bolivarian Republic of Venezuela (continued) (CEDAW/C/VEN/7-8; CEDAW/C/VEN/Q/7-8 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Bolivarian Republic of Venezuela took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Tarazón** (Bolivarian Republic of Venezuela), replying to a question raised at the previous meeting about the monitoring of policies and programmes for women, said that her country had a national system for monitoring public policy through departments in each ministry, including the Ministry of People's Power for Women and Gender Equality. Inspectors in the field monitored the local implementation of services provided by that Ministry, which in turn prepared periodic reports for the Office of the President and the Ministry of People's Power for Planning. The President reported yearly to the National Assembly on the implementation of policies, including those relating to the empowerment of women.

Articles 7 to 9

3. **Ms. Pimentel** noted that, according to a recent study sponsored by the International Court of Justice, many female judges in Venezuela held temporary appointments. Pointing out that tenure protected judges from adverse consequences of impartial rulings, she requested updated information on the case of Judge Maria Lourdes Afiuni, who had been punished for activities relating to her judicial functions.

4. She asked whether the Venezuelan Government might reconsider its decision to denounce the American Convention on Human Rights.

5. **Ms. Bareiro-Bobadilla** said that she was concerned that declaring quotas unconstitutional, as had recently been done, could be a step backward. Temporary special measures were endorsed not only in the 1999 Constitution but in article 4 of the Convention, which should prevail over the Constitution.

6. She echoed Ms. Pimentel's concerns regarding the case of Judge Afiuni.

7. **Ms. Neubauer** asked what steps the State party was taking to increase the participation of indigenous women and women of African descent in high-level decision-making.

8. **Mr. Devoe** (Bolivarian Republic of Venezuela) said that Judge Afiuni had been prosecuted for various offences against Venezuelan law, including corruption. She had been temporarily released from prison, partly because of her health status, and had to appear before a court periodically while awaiting judgement. Hearings in connection with her case had been suspended on numerous occasions because she had refused to enter the courtroom. Respect for her human rights was constantly monitored by the authorities. Representatives of the Ombudsman's Office had visited her many times in prison, and she had never told them that her human rights were being violated. She had published allegations about being raped in prison in a recent book, after which the authorities had investigated the allegations. Judge Afiuni had been invited to provide information on the matter but had refused to do so.

9. **Mr. Arias** (Bolivarian Republic of Venezuela) said that his Government had no interest in ratifying the American Convention on Human Rights, as in its view the Inter-

American Commission on Human Rights had changed from a judicial body into a political body with judicial aspirations. As far as his Government was concerned, the Inter-American Court of Human Rights no longer had jurisdiction in Venezuela.

10. **Ms. Yekuna Martínez** (Bolivarian Republic of Venezuela) said that the Ministry of People's Power for Indigenous Peoples was currently headed by a woman, and that the recently established Presidential Council for Indigenous Peoples included many women. Such measures were expected to strengthen participation by those two groups.

11. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that there were many examples of women's high-level participation in government.

12. **Ms. Zuleta de Merchán** (Bolivarian Republic of Venezuela) said that while arguments about electoral quotas persisted, the trend in the Bolivarian Republic of Venezuela was towards achieving parity. Regarding judicial independence, she said that the Venezuelan judiciary was independent and autonomous. Supreme Court judges served non-renewable 12-year terms.

Articles 10 to 14

13. **Ms. Gbedemah** said that while the Bolivarian Republic of Venezuela had made progress towards achieving gender parity in education, pregnancy and early parenthood still prevented many adolescent girls from completing school. In its replies to the list of issues and questions relating to the combined seventh and eighth periodic reports, the State party had stated that it was developing activities to provide adolescents and adults with training and education on issues relating to sexual and reproductive health. She stressed that such education should be age-appropriate, should target boys as well as girls, and should also equip teachers to address issues such as sex tourism. She asked when the curriculum would be rolled out.

14. The Committee would welcome information on the actual numbers of girls who had benefited from the policy for encouraging pregnant girls to return to school, and not just percentages. She asked whether temporary special measures to achieve social parity for indigenous women and women of African descent had been implemented in the field of education and, if they had been, how compliance was monitored. She requested information about the state of special education in the State party.

15. **Ms. Haidar**, noting that the Venezuelan Government lacked not only quantitative but qualitative information about the state of the educational system, asked how quality was monitored.

16. **Ms. Gbedemah** asked what steps were being taken to tackle the prevalence of teen pregnancy, which discouraged young women from finishing school and thus hampered their entry into the labour market. Referring to the mention in paragraph 148 of the State party's report of factors preventing women's access to high-level posts, she asked what measures were in place to reduce the pay gap, ensure equal pay for work of equal value and encourage women to take jobs traditionally done by men, which tended to offer higher salaries. Had a study on the issue of equal pay for equal work been conducted as requested by the Committee in its concluding observations on the State party's combined fourth, fifth and sixth periodic reports (CEDAW/C/VEN/CO/6)? Had special temporary measures been implemented in fields in which women were underrepresented, and for underrepresented categories of women?

17. Noting that the legal definition of sexual harassment did not include the creation of a hostile environment, she asked what measures were being taken to make that definition comprehensive, ensure that all workplaces had a sexual harassment policy and establish an entity to monitor progress on the issue. She wished to know how many complaints of

sexual harassment had been filed in the past four years, what the outcomes had been and what sanctions had been imposed.

18. Citing information received by the Committee about violations of labour legislation pertaining to domestic workers, especially with regard to pre- and postnatal leave, breastfeeding and childcare, she asked how compliance was monitored, what findings had resulted from such monitoring and what had been done to tackle shortcomings.

19. Lastly, she requested information about the provision of pensions to women who did not engage in paid employment.

20. **Ms. Nwanko** said that information would be appreciated on measures to address maternal mortality as a result of unsafe abortions, the prevalence of unsafe abortions, access to post-abortion services and the decriminalization of abortion in certain circumstances. She wondered what the impact the measures taken under the Strategy of Accelerated Reduction of Maternal and Neonatal Morbidity and Mortality in Venezuela and the National Plan for Sexual and Reproductive Rights had had on the rate of maternal mortality and on sexual and reproductive health services for women. She asked whether a Government strategy was in place to ensure access to contraception with a view to preventing unwanted pregnancies and the unsafe abortions which often ensued. She wished to know the status of the bill to promote equality of treatment for persons living with HIV/AIDS that been submitted to the National Assembly in July 2014. What was being done to address the prevalence of HIV/AIDS cases in the State party?

21. **Ms. Yekuna Martínez** (Bolivarian Republic of Venezuela) said that the eradication of illiteracy in the State party was testament to the importance the Government attached to the right to education for all. Through the *Robinson* mission (CEDAW/C/VEN/7-8, para. 46), large numbers of women, including from indigenous groups, had received literacy training. Bilingual education for pupils belonging to indigenous communities was guaranteed under the Constitution. Girls accounted for almost half of nursery and preschool enrolments and over half of university enrolments. Women were employed in all sectors and received training in diverse subjects, and many female undergraduate and postgraduate students received economic assistance. The Research and Innovation Promotion Programme provided economic incentives to encourage scientific research, and 57 per cent of Programme beneficiaries were women. Furthermore, women accounted for the majority of the parents and teachers participating in the current nationwide consultation on education. The consultation dealt with curriculum design and measures to mainstream the gender perspective. Age-appropriate programmes on sexual and reproductive health rights, including the issue of gender violence, were provided to pupils at all levels of education and adults. A resolution had been adopted to guarantee the right of teenage mothers to continue their education. Maternity rights were enshrined in legislation, which ensured that a woman who was pregnant or who had recently given birth could not be dismissed from her job, and provided for comprehensive maternity and paternity leave, nursing breaks and protection for pregnant women and mothers with disabilities.

22. Sexual harassment had been defined as a crime in national legislation. Measures to combat sexual harassment had been introduced through the Act on Women's Right to a Life Free from Violence. The Labour Act provided for protection against sexual harassment in the workplace, establishing the responsibility of employers to monitor and prevent cases of sexual harassment. The authority responsible for receiving complaints of sexual harassment was the National Institute for the Protection of Health and Safety at Work. Furthermore, the office of an ombudsman for women workers had been established to follow up reports of violations and to enforce labour legislation.

23. The number of workers in the informal sector had fallen owing to the formalization of employment for many people, particularly women, thus contributing to the reduction of

women's unemployment. The Neighbourhood Mothers mission guaranteed social protection for housewives and fostered women's economic empowerment through production projects. The mission had resulted in the development of small-scale and family businesses. Currently, over 1 million women benefited from the national social security pension.

24. **Mr. Zapata** (Bolivarian Republic of Venezuela) said that the bill on pensions guaranteed housewives' right to pensions by allowing them to contribute to the social security system. Currently, women over the age of 55 could make contributions to a pension based on the minimum wage. Women over the age of 60 could make reduced contributions, while those over 71 were exempt from making pension contributions. The Neighbourhood Mothers mission and the *En amor mayor* project ensured the effective application of the new legislation through the establishment of a permanent mechanism for social security contributions by housewives and other domestic women workers.

25. **Ms. Villegas Poljak** (Bolivarian Republic of Venezuela) said that the State party invested heavily in antiretroviral therapy and that free and universal treatment was guaranteed for all persons living with HIV/AIDS. Women accounted for over a quarter of persons currently receiving antiretroviral therapy. The high-cost pharmacy network, which comprised 14 outlets, provided free access to medicines and treatment for various diseases, including antiretroviral drugs for HIV/AIDS patients. Drugs which could not be produced in the country were procured from the international market by a government body designed for that purpose. In addition, a network of 26 pharmacies had been established to distribute high-demand drugs at an affordable cost.

26. Just under a quarter of all live births in the State party were the result of teenage pregnancies. With assistance from the United Nations Population Fund, guidelines on comprehensive care for teenage pregnancy had been drawn up with a view to implementing the Pan-American Health Organization's Safe Maternity Initiative and achieving Millennium Development Goal 5 by reducing maternal mortality. To that end, various contraceptive methods had been made available to women and girls at the country's comprehensive maternity care centres. According to recent statistics, the average number of deaths resulting from pregnancy ending in abortion stood at 43 per year. Post-abortion services had been improved to treat women who had undergone incomplete abortions, and numerous kits had been distributed, in accordance with World Health Organization guidelines, for the management of such abortions.

27. **Ms. Pires**, while commending the social and economic benefits provided for women, wondered whether the economic crisis had adversely affected the strategies adopted and the resources allocated to different groups of women. Was the Government concerned that the Neighbourhood Mothers' committees might generate a culture of dependency on government handouts, and if so, what had it done to prevent such dependency? She also wished to know what measures were being taken to encourage gender parity in sports and cultural activities, and asked whether women had equality of access to social security.

28. **Ms. Gabr** asked whether payment of the minimum wage was enforced in the agricultural sector and whether the provision for paid leave for women working in that sector was effectively applied. She would appreciate further information on any safeguards in place for rural women, including retirement pensions. She wondered whether employment opportunities were being created in the production sector in order to curb the rural exodus towards the urban slums generated by the current economic crisis. What measures were being taken to make microcredit available to women? She also wished to know what was being done to address the impact of the economic crisis on social services, including the provision of safe drinking water, in rural areas. Further information would be appreciated on the services and employment opportunities available to indigenous

communities and people of African descent as well as women with disabilities and women migrant workers.

29. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that, despite the economic crisis, the Government had increased social spending. In 2014, it had allocated $45 million to programmes for the social and employment inclusion of women, including a community development bank. A recently adopted youth employment law provided for job opportunities for girls in secondary and higher education, and a youth skills development fund had been established with an initial endowment of $5 million.

30. **Ms. Martínez** (Bolivarian Republic of Venezuela), replying to questions regarding rural women, said that the Land Act stipulated that female heads of household who agreed to farm as a means of providing for their families were given priority in the allocation of plots. A special food subsidy was also available to pregnant women and new mothers. Since its establishment, the Women's Development Bank had approved over 150,000 microloans for underprivileged women, nearly 30 per cent of which had been earmarked for agricultural projects. The Ministry of People's Power for Women and Gender Equality also ran projects to integrate rural women into the production chain, and a network of tourism companies provided training to enable women living in extreme poverty to enter the industry.

31. **Ms. Gbedemah** asked whether any temporary special measures for the education of indigenous and Afro-descendent women had been introduced and, if not, why.

32. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that the Ministry of People's Power for Women and Gender Equality and Ministry of People's Power for Sport operated a joint nationwide sports programme whose chief objective was to promote healthy lifestyles and prevent certain diseases, including forms of cancer that affected women. The country had recently received a second commendation from the Food and Agriculture Organization of the United Nations (FAO) for its access-to-food programmes.

33. **Mr. Devoe** (Bolivarian Republic of Venezuela) said that the bill on non-discrimination against persons living with HIV/AIDS and their families had been drafted in conjunction with UNAIDS and a number of national HIV/AIDS advocacy organizations and contained provisions regarding pregnant women. It had been unanimously approved by the Government in August 2014 and was pending promulgation by the President. The legalization of abortion under specific circumstances was on the parliamentary agenda.

34. **Ms. Halperin-Kaddari** asked why, in the light of the judicial review mandate of all domestic courts and the predominance of international instruments over national laws, the minimum marriage age remained 16, in violation of both the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. She wished to know how prevalent child marriage was and whether married children had limited legal capacity by virtue of being underage. Drawing the delegation's attention to the Committee's general recommendation No. 29, she asked whether the definition of property acquired during marriage included intangible assets, such as pensions and insurance policies, which were usually obtained by the working spouse and not formally considered to be joint property. She requested further information on the constitutional protection of the rights of persons in de facto unions, specifically what the criteria were for recognizing such unions and whether the partners enjoyed the same rights as married couples in matters such as alimony, inheritance and property.

35. **Ms. Madriz** (Bolivarian Republic of Venezuela) said that female literacy, including among vulnerable and indigenous women, was addressed through a number of programmes and projects, notably the National Feminist Education Plan. Furthermore, the National Institute for Socialist Education and Training provided vocational training to low-skilled

women to improve their employment prospects in various — often traditionally male — sectors such as agriculture, construction, manufacturing and telecommunications.

36. **Ms. Zuleta de Marchán** (Bolivarian Republic of Venezuela) said that the minimum marriage age remained 16 years because, although the courts could repeal discriminatory provisions, they did not have legislative powers. Nevertheless, they would continue to press the issue with the National Assembly in order to bring relevant national laws into line with international instruments. In the absence of a prenuptial agreement, all assets acquired during marriage were divided equally, except intangible assets, which reverted to the spouse who had acquired them. In the dissolution of de facto unions, jointly owned assets were divided equally, provided that the woman could prove that she had contributed to their acquisition.

37. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that proposed legislation submitted to the President contained a set of reforms, including a recommendation to raise the minimum marriage age to 18. Regarding the case of Judge Afiuni, she requested the Committee to transmit the reports and complaints it had received in that connection so that the authorities might proceed with enquiries, given that they had no evidence to support the allegations.

38. In conclusion, the Government of the Bolivarian Republic of Venezuela was committed to defending women's rights, and its challenge for the next few years was to make gender a cross-cutting policy issue. It valued the Committee's recommendations and would welcome any input it could provide on tackling negative gender stereotypes in the media.

39. **The Chairperson** thanked the delegation for engaging in a constructive dialogue and commended the State party on its efforts, which it was encouraged to continue, taking into account the Committee's forthcoming recommendations. Speaking in her personal capacity, she urged the State party to strengthen the rule of law and, in particular, to improve women's access to justice.

The discussion covered in the summary record ended at 5.05 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record of the 1249th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 22 October 2014 at 10 a.m.

Chairperson: Ms. Ameline

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Combined seventh and eighth periodic report of Poland

This record is subject to correction.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined seventh and eighth periodic report of Poland (CEDAW/C/POL/7-8; CEDAW/C/POL/Q/7-8 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Poland took places at the Committee table.*

2. **Ms. Fuszara** (Poland), introducing her Government's combined seventh and eighth periodic report (CEDAW/C/POL/7-8), said that the Government cooperated closely with civil society organizations and had consulted with a number of non-governmental organizations (NGOs) and women's groups in the preparation of the present report. The Polish Congress of Women, a women's movement with over 9,000 members, had played a particularly important role in that regard.

3. The Government continued to prioritize programmes aimed at promoting gender equality and had adopted effective anti-discrimination legislation. The Government Plenipotentiary for Equal Treatment had been appointed in 2008 and was responsible for implementing the Government's policy on equal treatment and combatting discrimination on the grounds of gender, ethnicity, nationality and religion. A new law on equal treatment had also been passed in 2010 with a view to harmonization with the relevant European Union law. Similarly, the National Action Plan for Equal Treatment, adopted in December 2013, tackled discrimination against several groups, including women, and contained provisions designed to implement and monitor national equality legislation. Under the Action Plan, coordinators for equal treatment had been established in all ministries in an effort to coordinate government activities and streamline equality initiatives.

4. Concerning participation in public and political life, the Government had taken a series of steps to increase the number of women in the parliament. Under regulations introduced in 2011, gender quotas had been established for electoral lists and the number of women in local authorities had subsequently risen to around 25 per cent. The Government Plenipotentiary for Equal Treatment had also carried out awareness-raising activities to encourage women to stand for the forthcoming general elections and had conducted joint activities with NGOs to increase women's presence in the political decision-making process. Similarly, the Government had taken steps to increase the number of women in decision-making positions in business and had called for the equal representation of women in management and supervisory boards in State-owned companies. Despite such efforts, however, less than 15 per cent of State-owned companies had a woman on their board of directors and only 7 per cent had a female managing director.

5. Regarding violence against women and human trafficking, the State party had signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and would ratify the instrument in the near future. In addition, the Government had taken a series of legislative measures to combat violence against women and had conducted a range of awareness-raising activities on the subject. A definition of human trafficking had also been incorporated into the Criminal Code in 2010 and a National Action Plan against Trafficking in Human Beings for 2013–2015 had recently been launched. A new Act on Aliens had entered into force in 2014, which contained a number of measures aimed at assisting potential human trafficking victims in Poland. The Criminal Code and Code of Criminal Procedure had also been amended in June 2013 so as to provide adequate support and rehabilitation for victims of sexual offences and ensure that acts of rape were prosecuted by operation of law.

6. As for combating gender-based stereotypes, the National Broadcasting Council had established a regulatory strategy for 2014–2016 with a view to challenging patriarchal and stereotypical portrayals of women in the media and promoting gender equality. Primary and secondary school textbooks had also been reviewed and revised in order to eliminate references that maintained or reinforced patriarchal gender stereotypes.

7. Regarding employment, the Government had introduced several initiatives to reconcile work and family life and promote the equal sharing of childcare and household responsibilities between men and women, including increased access to State childcare, paid paternity leave, strengthened flexible working arrangements and greater social security benefits. As a result, the employment rate of women aged 15–64 years continued to increase yearly and currently stood at 53.4 per cent. Conscious of the persisting pay gap between men and women, the Government had also taken action to address the current wage inequalities and promote the principle of equal pay for equal work.

8. Steps had been taken to strengthen women's access to medical treatment and, as of 2014, women would receive free prenatal and postnatal check-ups. The Ministry of Health had also launched a national in vitro fertilization programme, which provided State-funded fertility treatment for eligible women.

9. As for disadvantaged women in Poland, the national censuses of 2002 and 2011 had revealed that the situation of women from national or ethnic minority backgrounds did not differ greatly from that of other women. The only exception was the Roma minority in which women and girls were particularly affected by marginalization. The Government had implemented a series of measures to address their situation and improve access to education and health services.

10. Lastly, in regard to statistical data on gender, she said that the recent agricultural census of 2010 and the national population and housing census of 2011 had collected data disaggregated, inter alia, by age, place of residence, education level, economic activity and sex, which had provided for a greater overview of the situation of women at a national and regional level. The Central Statistical Office had also undertaken several new initiatives, including the *Social Cohesion Study* in 2011, with a view to collecting additional data on discrimination on the grounds of gender.

Articles 1 to 6

11. **Ms. Neubauer** asked whether the Committee's previous concluding observations (CEDAW/C/POL/CO/6) had been disseminated to all relevant ministries and the parliament and whether NGOs had been involved in their implementation. She also wished to know whether measures had been taken to ensure that national legislation fully complied with articles 1 and 2 of the Convention. Noting the low number of cases of gender discrimination brought before the courts, she enquired as to whether steps had been taken to enhance women's awareness and knowledge, in particular those belonging to the most disadvantaged groups, about their rights under the Convention and the related national legislation. Similarly, she requested further information on any instances in which the Convention had been invoked by individuals or directly applied or referred to in court proceedings in the State party. Lastly, she asked the delegation to provide data on the number and outcome of complaints of alleged discrimination on the grounds of sex and gender lodged by women during the reporting period with the Human Rights Defender (Ombudsman), and describe what steps had been taken to strengthen the Ombudsman's mandate, including the provision of adequate financial and human resources.

12. **Ms. Leinarte** asked whether the State party intended to establish a governmental body specifically responsible for promoting and upholding women's rights, gender equality and women's empowerment and whether measures would be taken in the interim to ensure

that the Government Plenipotentiary for Equal Treatment and her office received adequate financial and human resources. She also wished to know how gender mainstreaming strategies had been implemented in Government ministries and agencies, including whether there was a coordination mechanism between the Government Plenipotentiary for Equal Treatment and the ministries, and whether strategies for gender mainstreaming had been introduced at the national, regional and municipal levels in all areas covered by the Convention.

13. Turning to the Government's cooperation with NGOs and civil society organizations, she asked whether State funding had been allocated to support the work of NGOs on gender issues. She also enquired whether procedures had been put in place to guarantee the effective implementation and monitoring of national legislation on equal treatment. Given that the Central Statistical Office did not collect data on instances of multiple discrimination, she also wished to know whether the State party intended to take steps to improve data-collection methods so as to make such information available.

14. **Ms. Fuszara** (Poland) said that the national gender machinery had evolved significantly since the 1980s. The extensive mandate of the Government Plenipotentiary for Equal Treatment had allowed the Government to gain a broader view of gender equality and discrimination in Poland and she cooperated on a regular basis with NGOs and women's groups, including women from ethnic minority groups and the Roma community, in her role as the Government Plenipotentiary for Equal Treatment.

15. The low number of cases of sexual harassment submitted to the Human Rights Defender could be explained, in part, by a lack of awareness among women of their rights under the Convention. Many women, however, brought cases of discrimination before the courts and therefore had access to justice and available remedies. The Government would conduct a campaign to raise awareness about the Human Rights Defender's mandate so as to increase the number of cases of discrimination submitted to his or her Office in future.

16. Regarding the budget of the Office of the Government Plenipotentiary for Equal Treatment, efforts had been made to establish a financial arrangement which would help it become more effective and efficient and the Government had considered allocating a separate budgetary line for its work. As for identifying all obstacles to equal treatment, steps had been taken to streamline gender policy and ensure that multiple and intersectional discrimination against women was addressed.

17. **Ms. Pawlęga** (Poland) said that national legislation provided for equal access to justice in cases of discrimination on the grounds of gender and sex and women victims of discrimination could seek redress. National legislation on equal treatment set forth guidelines for seeking redress and the jurisprudence of the Supreme Court demonstrated that a number of cases of discrimination had been heard and sentences handed down.

18. **Ms. Dąbrowiecka** (Poland) said that the national courts invoked European and international conventions in their judgements, particularly the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights. However, despite their awareness of the Committee's recommendations and general comments, the courts appeared reluctant to invoke the Convention on the Elimination of All Forms of Discrimination against Women.

19. **Ms. Banaczkowska-Luszcz** (Poland) said that the recommendations contained in the Committee's previous concluding observations had been circulated to all the government ministries tasked with implementing the Convention and to the parliament. The National Action Plan for Equal Treatment 2013–2016 covered equal treatment in the labour market; the prevention of violence and the protection of victims; equal treatment in the health-care system; and equal access to goods and services. The Government had also taken steps to bridge the gender pay gap; to increase the participation of women in the Polish

economy and in the parliament; and to eradicate negative gender stereotyping in the media. In addition, school textbooks with discriminatory content had been withdrawn. The competent government ministries were required to submit an annual report on the action that they had taken to implement the National Action Plan to the Council of Ministers.

20. **Ms. Szymborska** (Poland) said that no statistics disaggregated by sex were kept on persons who filed a complaint with the Ombudsman but that there were plans to change the way in which such statistics were collected in the future. However, statistics disaggregated by sex were kept on persons who filed a complaint with the Office of the Government Plenipotentiary for Equal Treatment. Women had accounted for 45 per cent of those who had filed a complaint with the Office in 2013. The European Commission had recognized the Office of the Government Plenipotentiary for Equal Treatment as an independent body. Moreover, the Ombudsman had been accorded A accreditation status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, i.e. the national institution was deemed to be in compliance with the Paris Principles.

21. **Ms. Goś-Wójcicka** (Poland) said that Poland was required to collect the same data as the other European Union Member States. The Government also carried out its own studies in addition to those mandated by the European Union. In 2011, the Government had carried out a study to assess the living standards of the population. The data collected for the study was disaggregated by sex, which had allowed the Government to assess the gender gap in living standards. The Government carried out such studies every few years.

22. **Ms. Fuszara** (Poland) said that it would be difficult to determine how much funding had been allocated to NGOs, as the funding in question came from different government ministries. The Equal Treatment Act defined both direct and indirect discrimination.

23. **Ms. Leinarte** asked how the Government mainstreamed a gender perspective into the activities of the different ministries and whether it had appointed focal points for gender at the ministerial and municipal levels.

24. **Ms. Neubauer** said that, while the Committee was pleased to learn that the Polish courts regularly referred to and applied the Convention, that information should have been provided beforehand in the State party's report or in its written replies to the list of questions. She requested additional information on the consultation process for the preparation of the State party's report. In particular, she wished to know whether the parliament had been involved in the preparation of the report.

25. **The Chairperson**, speaking in her capacity as an expert, enquired as to the obstacles preventing the State party from ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and when it might do so.

26. **Ms. Fuszara** (Poland) said that all government programmes included a gender component. The Government had appointed coordinators for equal treatment within all ministries. There were also plans to appoint regional coordinators who would form a network with their ministerial counterparts and NGOs. The ministerial and regional coordinators would also undergo joint training. Ministerial coordinators were invited to take part in round-table discussions on issues of particular concern to women. There was a disagreement among some members of the parliament over whether Poland should ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The disagreement centred on the definition of gender contained in the Council of Europe Convention and whether it should be incorporated into Polish national legislation. The opinion of several legal experts had been sought with a view to resolving the disagreement. It was hoped that Poland would be able to ratify the Council of Europe Convention in the near future.

27. **Ms. Banaczkowska-Luszcz** (Poland) said that the report had been the subject of extensive consultations. Both the Committee of Ministers and the Council of Ministers had provided input into the report and NGOs had also been consulted during its preparation. However, the parliament had not been involved in preparing the report.

28. **Ms. Dąbrowiecka** (Poland) said that the Polish courts did not systematically disaggregate data by sex but did so when gender was significant, such as in cases involving rape or other forms of gender-based violence.

29. **Ms. Pimentel** said that, despite the fact that women had come to occupy 24 per cent of seats in the Sejm, the lower house of parliament, and 12 per cent of seats in the upper house, the Senate, following the entry into force of the Quota Act of 2011, they remained underrepresented. She enquired as to the reasons why the 35 per cent quota for female electoral candidates established in the Quota Act had not been fulfilled. She requested additional information on the temporary special measures adopted to accelerate de facto equality between men and women.

30. **Ms. Bareiro-Bobadilla** said that gender stereotypes in a Catholic country like Poland often stemmed from deep-rooted traditions and so were difficult to eradicate. She asked whether the State party had considered conducting an in-depth study into gender stereotypes to enable it to combat them more effectively, and whether it intended to launch campaigns to raise awareness of and to prevent gender stereotyping in the years to come. She also wished to learn more about the efforts undertaken by the Government to curb sexual and gender-based violence, which was prevalent in the State party. Lastly, she asked whether school textbooks had been checked for discriminatory content and revised accordingly.

31. **Ms. Hayashi**, noting that Polish criminal procedure was to be modified in accordance with the amendments to the Code of Criminal Procedure in early 2014, asked whether the planned modifications had already been made and whether they included measures to assist women victims of rape or abuse with intellectual or psychosocial disabilities or in relationships of dependence and other vulnerable women subject to multiple discrimination. The Committee had received reports that only a small proportion of sexual crimes were reported and that rapists were seldom punished. She requested the State party to comment on those reports. She also wished to have further information on the training on gender issues provided to legal professionals and how its impact was assessed. She asked whether more budgetary resources had been allocated to measures to combat domestic violence following the amendment of the Act on Counteracting Domestic Violence in 2010 and why so many cases involving domestic violence were dropped.

32. **Ms. Acar** enquired as to the content of the declaration made by Poland upon signing the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and why some members of parliament took issue with the definition of gender set forth in the Convention.

33. **Ms. Leinarte** asked how long the national action plan for combating trafficking in human beings had been extended; whether the interministerial team for combating and preventing human trafficking established to advise the Prime Minister was directly responsible for implementing the national action plan on trafficking. Under what circumstances did Poland provide assistance to foreign nationals who were the victims of human trafficking? She requested clarification on the procedure for granting foreign nationals presumed to be victims of human trafficking temporary stay in Poland under the 2014 Act on Aliens. She requested additional statistical data on victims of trafficking and the causes of such trafficking in Poland. She asked whether Poland had concluded agreements with countries in the region with a view to combating trafficking in women and girls and whether the State party intended to criminalize prostitution.

34. **Mr. Karpiński** (Poland) said that a large number of police officers had received training on how to identify and deal with cases of domestic violence and, in particular, cases involving minors. Normally, national action plans for combating trafficking in human beings covered a two-year period. However, the Government had decided that the national action plan would cover a three-year period, namely 2013–2016. The results yielded by the action plan thus far could be consulted on the Government's website. The interministerial team for combating and preventing human trafficking was also responsible for assessing the situation of human trafficking in the country and worked with NGOs and international organizations to that end. The team could also provide input into legislation concerning human trafficking.

35. The procedure for granting temporary stay in Poland to foreign nationals presumed to be victims of human trafficking under the 2014 Act on Aliens involved filing an application with the relevant ministerial department. Under the procedure, foreign nationals could remain in Poland for a period of up to three months while foreign minors could remain in Poland for up to four months. Following the entry into force of the Act on Aliens, around 14 foreign nationals had been granted temporary stay in Poland and a number of foreign nationals placed in detention centres had been released. The Government had launched a programme to protect victims and witnesses in cases of human trafficking in 2006. Assistance was also extended to foreign nationals under the programme. Victims and witnesses in cases of human trafficking could avail themselves of the services of a national centre for emergency assistance directly without having to go through law enforcement officials. Over half of those referred to the national centre in 2013 were foreign nationals.

36. **Ms. Pawlęga** (Poland) said that the new measures adopted to protect victims of domestic violence included the immediate removal of the perpetrator from the home; the introduction of restraining orders; and the requirement for the perpetrators to undergo social rehabilitation programmes. A new approach was being taken to hearing victims of rape and sexual harassment in court. For example, perpetrators were no longer allowed to be present when victims were giving evidence. Victims also had access to a psychologist throughout the proceedings. The Government had disseminated information about the new measures widely and had provided public prosecutors and judges with training on how to deal with cases of domestic violence.

37. **Ms. Fuszara** (Poland) said that the Government was investigating why so many cases involving domestic violence were dropped and had launched an awareness-raising campaign to combat the stigmatization of rape victims and to encourage them to seek assistance.

38. **Ms. Bartosiewicz** (Poland) said that the Government had launched a programme to assist the victims of domestic violence in 2006, which would continue to run until 2016. The amended Act on Counteracting Domestic Violence afforded victims of domestic violence better protection. The Act required persons working with the victims of domestic violence to receive special training. A 24-hour hotline for victims of domestic violence had also been set up. There were also plans to increase the current level of public funding for measures to combat domestic violence in 2017. Moreover, the Government had launched a programme to assist local authorities in developing mechanisms for providing adequate protection to the victims.

39. **Ms. Fuszara** (Poland) said that Poland had signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and that the Council of Ministers had submitted a bill on its ratification to the Sejm. One expert opinion indicated that the Council of Europe Convention was perfectly compatible with national legislation. However, it was necessary to collect more expert opinions in order to convince those members of parliament who were opposed to its ratification of that fact and to reach a consensus. The reservations and declaration made

when signing the Convention could be viewed as a stopgap measure until the views of the opposing parties were reconciled.

40. **Ms. Skórka** (Poland) said that school textbooks were checked for discriminatory content and were not distributed to schools if they were deemed unsuitable. A list of approved textbooks was available on the website of the Ministry of Education.

41. **Ms. Fuszara** (Poland) said that she had been at the forefront of the campaign to introduce alternating electoral lists in addition to a minimum 35 per cent gender quota. The parliament would vote on the bill to adopt alternating lists in the near future but there would be no immediate legislative amendment, as changes to electoral law were not permitted in the six months prior to an election and local elections were due in November 2014. The changes should, however, take effect before the 2015 parliamentary elections. The 35 per cent minimum quota for women was already respected by the Civic Platform but other parties had fewer women in their ranks, largely because women tended to be allotted less privileged positions on their lists. The adoption of the alternating list system should help to even out the imbalances.

42. The Minister of Science and Higher Education had recently issued an official Government definition of the Polish word for gender so that it no longer carried such pejorative connotations. Unfortunately, right-wing parties persisted in suggesting that implementing the Convention's provisions could place long-established customs and traditions under threat. However, the definition of gender did not violate any element of the Polish legal system and the Government would continue its efforts to guide and influence other members of parliament.

43. Prostitutes had not faced criminal penalties under Polish law since the 1950s, although other related acts could be prosecuted. Accordingly, no changes to the relevant legal provisions were needed or envisaged.

44. **Ms. Symborska** (Poland) said that various awareness-raising programmes to address harmful stereotypes were run for public officials at all levels of government. Polish fathers were encouraged to take parental leave and the judicial authorities were seeking to identify ways of improving the manner in which sexual offences were handled.

45. **Ms. Fuszara** (Poland) drew the Committee's attention to a new NGO-backed television series which followed the life of a lesbian couple and was intended to mark the start of a far-reaching awareness-raising campaign to address the stereotypes linked with lesbian women.

46. **Ms. Korbasińka** (Poland) added that the health authorities were working to provide medical professionals with better training in how to care for lesbian, gay, bisexual and transgender (LGBT) persons.

47. **Ms. Shulz** expressed grave concern about reports that the Catholic Church in Poland was waging a very active campaign against gender. Posters displayed in schools apparently warned parents to protect their children while a pastoral letter issued by the Polish episcopate had linked gender ideology with the destruction of the family, drug use and even paedophilia. She asked what the Government was doing to counteract the campaign and ensure that gender retained its proper meaning and was used as it had been over many years, in Poland and elsewhere, without demonization and in full respect for the principle of equality.

48. **Ms. Bareiro-Bobadilla** asked what was being done to combat negative stereotyping affecting Roma women and children and whether any targeted research that might serve as a guide for future action was under way.

49. **Ms. Skorka** (Poland) said that stereotypes of the Roma were hard to challenge, especially in Poland, where the community was small, self-contained, socially isolated and extremely patriarchal. Within the community, women were expected to occupy themselves solely with household chores, eschewing outside interests. Such stereotyping within the community, which was inevitably reflected outside it, was a barrier to efforts to promote more equalitarian values. However, although historically the Roma community in Poland had regularly been identified as a very low-status social group, some improvement in indicators was becoming apparent. In parallel, targeted educational and work preparation programmes were fostering a change in Roma women's self-perception, encouraging them to leave their households, pursue education and seek ways of professional advancement.

50. **Ms. Fuszara** (Poland) said that the Polish episcopate had issued the aforementioned pastoral letter within the context of a wider debate that had been initiated by Pope Benedict and was not limited to Poland. The Minister of Science and Higher Education had responded to the central notion that gender was an ideology rather than a science by explaining the nature and purpose of gender studies and calling for broader public discussion. As a former academic in the field of gender studies, she herself had made a direct contribution to the discipline, seeking to clarify its scholarly foundations, the causes and consequences of stereotyping and the best way to address the problem. Government efforts to combat stereotypes were centred on targeted training for a range of professional groups, including civil servants, prosecutors and judges.

51. Although the word gender still had some negative connotations, lack of awareness was probably the main cause. The Government could not interfere with the teachings of the Catholic Church but would continue to expound its own views and position in response. It was hoped that the ongoing debate would encourage more and more people to reflect on the meaning of gender and gender equality and that, ultimately, the debate would yield positive results.

Articles 7 to 9

52. **Ms. Gbedemah** said that women's inclusion on electoral lists was not in itself sufficient to increase their representation in political office: they must also be assigned privileged positions. She asked about the current status of the bill to introduce the so-called zipper system in which every other candidate on a party list was a woman; whether the Government would amend the Quota Act to extend quota requirements and sanctions for non-compliance to internal elections and appointments to leadership positions within individual political parties; and whether quotas might be used as a means to address women's underrepresentation on the boards of State-owned and public listed companies.

53. Although women's overall representation in the judiciary was good, the evident proportionate decline in their numbers the higher the level of the court was a source of concern. Could the delegation explain the disparities, and the similar patterns apparent in the figures for women in diplomatic and consular posts, and provide details of the measures being used to correct them?

54. **Ms. Zou** Xiaoqiao asked whether the Citizenship Act accorded the same citizenship rights to children born of a foreign father and Polish mother as to children born of a Polish father and foreign mother; why, under the new Act on Aliens, residence was granted to foreign spouses of Polish citizens for a fixed period only; what procedures were in place for extending residence permits and protecting family rights; and whether gender-disaggregated data attesting to the number of foreign spouses in Poland were available.

55. **Ms. Fuszara** (Poland) said that, while the proximity of the local elections precluded any imminent amendment of electoral law, the legislative efforts were supported by training and awareness-raising initiatives, offered by both government bodies and NGOs, that were

designed to break down entrenched attitudes by encouraging more women to stand for office and more people to vote for them.

56. The proportionately greater number of women that had been elected to the Sejm could possibly reflect the differing electoral rules applied by the two houses. While the Senate used the single constituency system, members of the lower house were elected by proportional representation – a system in theory more favourable to equal opportunities and increased female representation. Although that theory had not always been borne out in practice, and the political will to apply it at all levels of government was lacking, the authorities would be experimenting with the proportional system in the forthcoming polls.

57. Soft regulations based on recommendations for good practice issued by the Warsaw Stock Exchange were in place to encourage an appropriate gender balance in the boardroom. According to the Stock Exchange's latest report, women were still underrepresented on management boards in listed companies but there were some glimmers of improvement. The Ministry of the State Treasury had issued guidelines indicating that by the end of 2015 at least 30 per cent of board members in State-owned companies should be women. The Ministry of Science and Higher Education had likewise introduced certain quota requirements, including for the supervisory boards of schools and universities.

58. **Ms. Fiedosewicz** (Poland) said that the State party was receiving rising numbers of citizenship applications and that, in 2013, around three quarters of the approximately 4,500 applicants had been granted permission to remain.

59. **Ms. Symborska** (Poland) said that recruitment to the foreign service was guided by the principles of competitiveness, openness and equal treatment and based on the competencies of the candidates. An equal treatment coordinator had been appointed by the Minister of Foreign Affairs in 2011 to monitor compliance with the relevant regulations on equal treatment. As of March 2014, women accounted for over half of staff in foreign and diplomatic outposts and a third of staff at headquarters in Poland.

60. **Mr. Baurski** (Poland) said that a dedicated team established several years previously within the Ministry of Foreign Affairs to promote the employment of Polish women in international organizations, including the European Union and United Nations, had had considerable success.

61. **Ms. Goś-Wójcicka** (Poland) said that the Central Statistical Office published official demographic data on an annual basis. The most recent figures showed that men accounted for three quarters of foreign nationals who married in Poland. Most of those men were from Germany, while most of the women who married in Poland were from Ukraine. More detailed data could be provided on request.

62. **Ms. Pawlęga** (Poland) said that women accounted for around two thirds of all judges and almost half of presiding judges. Appointments were made by collegiate decision on the basis of merit.

Articles 10 to 14

63. **Ms. Gbedemah** asked whether the Government planned to review the overprotective ordinance which prohibited girls from embarking on certain technical courses on the grounds that their health might be endangered while boys faced no such restrictions; what strategies were in place to ensure equal access to studies and the same conditions for career and educational guidance; whether temporary special measures might be used to that end, including to encourage more girls to pursue doctorate studies; why girls were more likely to drop out of vocational education than general education; why the Ministry of Science and Higher Education did not keep a record of the number of higher

educational institutes offering courses in gender studies; and whether teacher training institutes offered courses of that kind.

64. Citing reports which indicated that sex education was too often focused on marriage, abstinence and family life, sometimes taught by school counsellors or priests and in some cases optional, she urged the State party to provide comprehensive information about its efforts to ensure age-appropriate sex education, in fulfilment of the Committee's previous recommendation, and to introduce compulsory sex education that promoted healthy relationships and responsible behaviour through scientific and non-judgemental information. It should also take steps to ensure that schoolgirls who fell pregnant were reintegrated into the educational system instead of educated outside it. She would also like statistics about the educational progress of Roma women.

65. **Ms. Bareiro-Bobadilla** expressed concern about the considerable wage gap that still separated men and women, particularly those who occupied more senior positions, and the absence of an effective tool for measuring and monitoring the gap. Without accurate data, appropriate corrective policies could not be developed. She would like to see more State funding being made available to support women entrepreneurs and increase the number of working women in general. The efficacy and transparency of workplace inspections should also be improved, not only to increase safety but also to ensure better protection against sexual harassment. She would like to know the rationale behind the State party's parental leave provisions, which limited fathers' entitlement to one week while women could take up to three years. That situation could have the effect of driving women out of employment. Lastly, she sought details of any plans to address the decline in the availability of day care and the huge disparities existing between urban and rural areas.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1250

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the 1250th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 22 October 2014, at 3 p.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Poland (continued)

* No summary record was prepared for the rest of the meeting.

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In the absence of Ms. Ameline, Ms. Neubauer, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Poland (continued) (CEDAW/C/POL/7-8; CEDAW/C/POL/Q/7-8 and Add.1)

Articles 10 to 14 (continued)

1. *At the invitation of the Chairperson, the delegation of Poland took places at the Committee table.*

2. **Ms. Skórka** (Poland) said that girls enjoyed full access to vocational training and advisory services. Tests and various diagnostic tools were used to help older students make choices about the future. Support had been provided to several thousand advice centres and even more trainers, counsellors and secondary school teachers would receive training on how to give careers advice.

3. As to the issue of removing stereotypes from textbooks, the latter were submitted for approval to experts, who assessed their compatibility with the curriculum and their linguistic and educational content. The current law on education specified the requirements governing both the approval of textbooks and experts in that regard. The Minister of National Education could have textbooks withdrawn from circulation if they included serious mistakes and request major amendments to educational materials prior to expert assessment. Work was ongoing to reassess and update textbooks based on equal opportunities criteria. Teachers received training on equal opportunities in education and the development of tolerance

4. Sex education in the State party was based on the Act on family planning of 7 January 1993, and focused, inter alia, on parenthood, the value of life and the prenatal development of the human foetus. In compliance with Ministry of National Education regulations, the contents of sex-education classes were agreed on by teachers, parents and students who had come of age. Such classes were optional. Training workshops had also been organized to improve sex education.

5. Expectant and postnatal mothers had the right to psychological and other assistance in schools or specialist counselling centres and could request one-on-one tuition or to continue attending normal classes. Places at kindergarten were set aside for the children of students. Special support teams made up of school directors, teachers and parents provided assistance to expectant and postnatal mothers. Such students could sit tests and exams at times convenient to them. Teachers and parents worked together to draw up student-support plans and schools also worked with social services or charities to provide assistance.

6. **Ms. Fuszara** (Poland) said that 60 per cent of university graduates were women. Girls were less likely than boys to attend technical or vocational schools, although the authorities were trying to encourage them to do so. She pointed out that 53 per cent of doctoral graduates were women and the number of women at post-doctoral degree level was growing. Currently, 17 to 20 per cent of university professorships were held by women.

7. **Ms. Kiersnowska** (Poland) said that the Government was working to increase the percentage of women in the national labour market through advisory services, training programmes and financial assistance for entrepreneurs. To date more women than men had taken up the offer of funding. She referred to a number of Ministry of Labour and Social Policy programmes that promoted the participation of women in the labour market by disseminating information about how to start up a company. Over the past 15 years, the

Ministry had granted over 150 million zlotys in loans to entrepreneurs, leading to the creation of around 90,000 jobs.

8. Depending on the methodology used, the wage gap in the State party ranged from 6 to 20 per cent, with Eurostat studies placing it at 6.4 per cent in 2012. The Government was working to change the stereotype of women as high-risk, less flexible employees through a number of projects designed to reconcile work commitments with family life and to support entrepreneurship among women. The National Plan of Action for Equal Treatment for 2013–2016 aimed to bridge the wage gap, as did a number of activities run jointly by the Ministry of Labour and Social Policy and the Office of the Government Plenipotentiary for Equal Treatment.

9. Over recent years public awareness of gender-based discrimination and sexual harassment had grown, with a resulting increase in the number of complaints regarding such conduct filed with the National Labour Inspectorate, which examined the measures taken by the employer to address the issue. The labour court was the competent authority to deal with labour disputes involving discrimination and had heard several thousand such cases in 2013.

10. She described the State party's extensive system of leave for parents, as set out in paragraphs 189 to 191 of the State party's report. Parents had the right to work part-time when on additional maternity leave or parental leave. A period of one year's paid leave was granted in the event of the birth of one child. The duration of child-care leave was 36 months. Initially, one month of leave was granted specifically to each of the parents, who could then divide up the remaining leave between themselves. As to the issue of kindergartens in rural areas: in 2012, a number of legal measures had been adopted allowing for the establishment of kindergartens, children's clubs and other types of child-care facilities for children up to 3 years of age.

11. Returning to the issue of the gender wage gap, data gathered from more than 28,000 companies and disaggregated by sex, type of profession and size of company were available. Studies were carried out by the State party on a bi-yearly basis. Data on disability were collected as a part of the National Census of Population and Housing. Data on disability disaggregated by sex, were published on a quarterly basis. Studies had recently been carried out on active social and professional reintegration. An increasing number of occupational therapy workshops were being held to help persons living with disabilities to re-enter society and employment.

12. **Ms. Bareiro-Bobadilla** asked what steps were being taken to improve working conditions for women employed in the informal sector. Working in an underregulated sector exacerbated women's inequality with regard to pay and other working conditions. She wondered whether, given that in Poland occupations were largely segregated by gender, the State party should promote equal pay for work of equal value, rather than equal pay for equal work. She asked whether available mechanisms for denouncing sexual harassment in the workplace were actually used.

13. **Ms. Gbedemah** said that the Committee would have liked to receive more data on the phenomenon of girls' interrupting vocational training to enrol at universities. She asked whether the State party would consider instituting temporary special measures to encourage girls enrolled at vocational institutions to study technical and scientific subjects. Had the impact of the Girls to Universities of Technology initiative and the National Action Plan for Equal Treatment 2013–2016 been evaluated? She requested information on how Roma girls fared in the educational system.

14. **Ms. Bolesta** (Poland) said that under Polish law complaints about sexual harassment followed the same procedure as complaints about other violations of labour legislation.

15. **Ms. Kiersnowska** (Poland), replying to a question about temporary employment, said that while so-called civil, or temporary, work contracts provided less protection to workers than regular contracts, they were an alternative to unemployment. It was illegal to replace a worker's regular contract with a temporary contract, and violations were punishable by fines. The Ministry of Labour and Social Policy was working to amend the regulations governing temporary employment.

16. **Ms. Różycka** (Poland), replying to a question about Roma girls, said that, while her Government did not collect ethnicity-based statistics, it produced estimates based on other data sources. For example, schools reported the numbers of Roma students enrolled, as such students required extra support in areas such as Polish language instruction. Also, since 2004, each region had offered educational programmes for the Roma community, and had reported to the Government on the participation of Roma children in such activities. A large majority of Roma children of primary school age did attend school; it was at the secondary level that attendance fell, partly for cultural reasons. For example, Roma parents might keep adolescent girls home to protect them from premature marriage and kidnapping; her Government provided tutoring for such girls. Furthermore, many Roma children entered the workforce early, although the trend was slowly changing.

17. **Ms. Fuszara** (Poland) said that there had been campaigns to encourage girls to pursue technical careers, and that enrolments at technical universities were increasing even as the overall student population decreased.

18. **The Chairperson**, commending the State party for having established a data-collection system for nearly all the areas covered by the Convention, said that nevertheless such data should have been annexed to the report, as recommended in the harmonized guidelines on reporting, rather than being presented orally at the meeting.

19. **Ms. Schulz** noted that since the passage of the Act on family planning in 1993, which had drastically tightened restrictions on abortions, the number of legal and illegal abortions in Poland had skyrocketed. That was partly because some of the most effective forms of contraception were not reimbursed by the public health-care system, and because adolescents, victims of sexual violence and members of marginalized groups had limited access to preventive health care. Those issues had been raised by various United Nations committees and had been the focus of three important rulings by the European Court of Human Rights. Regrettably, the situation in Poland had not changed much, and many of the Committee's questions remained unanswered.

20. She asked whether the State party intended to bring its Act on family planning into line with the legislation of European countries which, perhaps because of their more liberal laws, had much lower rates of abortion. Would the State party take up the Committee's recommendation, made in 2007 in the concluding comments on the combined fourth, fifth and sixth periodic reports of Poland (CEDAW/C/POL/CO/6), to conduct research on the causes of illegal abortions which were prevalent in Poland?

21. How did the State party ensure that someone meeting the criteria of the law on family planning for obtaining an abortion did not face additional obstacles? Did the State party intend to establish uniform standards for medical practitioners applying the criteria – for example, to ensure that doctors did not abuse the "conscience clause"? The system established by the Act of 5 December 1996 on medical and dental practitioners seemed flawed, especially as its application was overseen by a medical body, with no governmental monitoring, and the Act of 6 November 2008 on patients' rights did not adequately remedy the situation.

22. Given that in Poland abortion seemed to be used as a routine albeit dangerous form of contraception, did the State party intend to improve the availability of modern, effective, safe forms of contraception? Were rape victims systematically offered access to emergency

contraception and post-exposure prophylaxis to prevent HIV transmission? How did the State party intend to improve access to reproductive health services for women in rural areas and for marginalized groups such as the Roma, asylum seekers and women with disabilities?

23. **Ms. Halperin-Kaddari** asked how the State party proposed to boost pension benefits for women who instead of engaging in paid work did unpaid household work at home. She noted that, while in paragraph 172 of the report it was stated that household chores were not considered employment work, it was also stated that in 2004, for example, unpaid household labour by women had accounted for 19 per cent of the country's GDP. With so-called housewives not contributing to their pension funds, and with the retirement age rising, the pension gap between women and men was only widening.

24. Turning to the issue of child support, she asked whether the Government was considering reinstituting an earlier arrangement whereby the amount of child support to be paid was based on a court judgement and not on the mother's salary, as the current arrangement discouraged mothers from working.

25. **Ms. Zou** Xiaoqiao asked what measures were being taken to improve the lives of rural women, who were disproportionately affected by poverty and were underrepresented in public life and decision-making. Had the impact of the Rural Development Programme for 2007–2013 been assessed, and were there plans to extend it? What was the situation regarding landownership by rural women? She requested statistical data, disaggregated by gender, on people living in poverty in Poland.

26. **Ms. Korbasińska** (Poland) said that her Government had no plans to amend the current legislation on abortion. A total of 744 legal abortions had been performed in Poland in 2013. Abortions could be performed only with the consent of the person undergoing the procedure. Girls younger than 13 could not give consent but must be heard by the court. Older girls participated in the decision-making process. If an older girl and her parents disagreed, the court ruled on the matter. The situation regarding illegal abortions in Poland had not been studied, and no scientific centre had requested funding for such research.

27. National legislation guaranteed women full access to maternal health services, including abortion in certain cases. National and regional authorities responsible for oversight of gynaecological and obstetrics services provided training on reproductive health rights to hospital staff that covered relevant European and national regulations. The "conscience clause" could be invoked by individual doctors who chose not to perform an abortion but not by a hospital in itself. The use of that clause was monitored by the Ministry of Health. The Act on patients' rights provided for an appeal procedure in the event of refusal to perform an abortion. Following consultation with NGOs, a bill to amend the Act on patients' rights had been drafted, which, inter alia, shortened the time frame for lodging an appeal. While State funding for contraception was limited, some public funding was earmarked for reproductive health counselling for girls and women, including on contraception, and for the provision of intrauterine devices. The cost of the contraceptive pill was not, however, prohibitive for most women.

28. Under Polish legislation medical assistance and treatment was provided for minors who were victims of rape at dedicated medical centres. Medical examinations were performed in order to determine whether the victims were pregnant or had contracted a sexually transmitted disease. If necessary, emergency contraception and medical treatment, including antiretroviral therapy for HIV/AIDS, was administered. The waiting period for services or consultations in certain medical centres was protracted not because of restricted access to health care but instead because of patients' preference for a specific medical practitioner, particularly with regard to obstetric care.

29. **Ms. Kiersnowska** (Poland) said that no amendments were currently envisaged to the criteria for child support benefits. The Act on pensions had been reviewed to raise the retirement age and increase people's economic activity prior to and during retirement. Equally, the Solidarity between Generations programme was primarily intended to increase employment of all older persons through government initiatives and awareness-raising campaigns. In addition, a government-funded programme was in place to encourage social activity among older persons, and the framework policy on older persons for 2014–2020 focused on generating employment for older women.

30. **Ms. Karnafel-Wyka** (Poland) said that a number of rural development programmes had been launched within the framework of the agricultural policy to boost employment of rural women. The farmers' social insurance scheme covered agricultural workers, including workers who were also engaged in other occupational activities. Funding from the European Cohesion Fund would be utilized for vocational training for agricultural workers. Programmes had been launched for the development of rural areas, including the modernization of farm holdings and an improvement in the living standards of rural communities. The vast number of local action groups in rural areas, many of which were run by women, aimed to increase social capital. Research had revealed that rural women participating in such action groups had considerable political awareness: almost half of them were involved in local council activities. Access to public transport in rural areas had improved, thereby increasing access to social services. The Government aimed to decrease the poverty rate in rural areas, which currently stood at 20 per cent of households. Rural women, including housewives and female domestic workers, were covered by the national social security scheme and the pension fund.

Articles 15 to 16

31. **Ms. Halperin-Kaddari** asked whether women were informed of the consequences of their choices regarding matrimonial property regimes prior to taking those decisions, and whether the equal distribution of assets under the joint property regime included intangible assets such as retirement pensions and savings. Did legislation on alimony ensure that the spouse who was at fault in a fault-based divorce did not suffer financial consequences? Did Polish legislation recognize de facto unions and ensure that unmarried couples enjoyed the same rights as married couples, including inheritance and property rights, and entitlement to in vitro fertilization treatment? Lastly, could same-sex couples formalize their partnerships and could women in such unions enjoy their right to motherhood?

32. **Ms. Dąbrowiecka** (Poland) said that the Family and Guardianship Code provided for equal distribution of property under the joint property regime. Couples were entitled to specify the distribution of property and contributions to child-rearing were taken into account in divorce settlements.

33. **Ms. Pawlęga** said that in a fault-based divorce the spouse who was at fault was required to pay alimony. Before they married, couples were made aware of the financial consequences of divorce and of the possibility of concluding a prenuptial agreement. While de facto unions were not legally recognized, in practice, persons in such partnerships enjoyed protection, particularly in respect of inheritance rights and protection against violence.

34. **Ms. Korbasińska** (Poland) said that the right to in vitro fertilization treatment was not limited to married couples.

35. **Ms. Schulz** asked why discussions on the issue of illegal abortion had stagnated and why the Government did not initiate studies into that issue. The extremely high rate of illegal abortion indicated a certain level of acceptance. She wondered whether the

Government might consider holding a non-religious public discussion to address the real situation.

36. **Ms. Halperin-Kaddari** asked whether in vitro fertilization was available to single women.

37. **Ms. Korbasińska** (Poland) said that in vitro fertilization treatment would be extended to single women after the relevant law had been revised and amended. Currently, other forms of legal artificial insemination were available to single women. It was not feasible for the Government to conduct research into the prevalence of illegal abortion. Any such research would need to be led by an independent body. Data provided by NGOs on the issue were disparate and inconsistent. However, civil society did not tolerate illegal abortion and for many years been organizing campaigns and protests on the issue, often directed at the Ministry of Health. Furthermore, there was an ongoing debate on reproductive rights in the media and society.

38. **The Chairperson**, speaking in her capacity as an expert, said that although the Government could not carry out research into illegal abortion, it could certainly encourage and fund such research.

39. **Ms. Fuszara** (Poland), after thanking the Committee for a useful discussion, said that the lack of data in the report was indeed regrettable but emphasized that more statistics would be provided in the next periodic report. The national programmes and policies dedicated to gender equality reflected her Government's support for the Convention and the progress made to date.

40. **The Chairperson** thanked the delegation for its participation in the constructive dialogue and hoped that the Committee's recommendations and suggestions would be followed up through the State party's legislation.

The discussion covered in the summary record ended at 5.05 p.m.

United Nations CEDAW/C/SR.1251

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record of the 1251st meeting
Held at the Palais des Nations, Geneva, on Thursday, 23 October 2014, at 10 a.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined seventh and eighth periodic reports of China

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women *(continued)*

Combined seventh and eighth periodic reports of China (CEDAW/C/CHN/7-8; CEDAW/C/CHN/Q/7-8 and Add.1; HRI/CORE/CHN/2010; CEDAW/C/CHN-HKG/7-8; HRI/CORE/CHN-HKG/2010; CEDAW/C/CHN-MAC/7-8; HRI/CORE/CHN-MAC/2010)

1. *At the invitation of the Chairperson, the delegation of China took places at the Committee table.*

2. **Ms. Song** Xiuyan (China) said that her Government attached great importance to the consideration of reports submitted to the Committee and had made determined and timely efforts to follow up on its concluding observations through the relevant departments and ministries. In 2010, a working group composed of 29 ministries and departments had been established to draft the current periodic reports in consultation with non-governmental organizations, academic institutions and civil society.

3. At the Fourth World Conference on Women in Beijing in 1995, China had officially made gender equality a matter of basic national policy and in 2005 incorporated that policy into the Law on the Protection of Rights and Interests of Women. Since the last review in 2006, China had prepared or amended more than 10 laws and regulations concerning the protection of women's rights and interests. For example, the 2007 Law on the Promotion of Employment included a provision that employers could not refuse to recruit women or set more stringent selection criteria on the basis of gender and a bill on domestic violence had been introduced in March 2014. As of 2013, 29 of the country's 31 provinces, autonomous regions and municipalities had promulgated special local regulations or policies on domestic violence and all 31 had drawn up or revised rules for the implementation of the Law on the Protection of the Rights and Interests of Women.

4. One of the objectives of the Programme for the Development of Chinese Women (2011–2020) was to ensure that laws and policies incorporated the principle of gender equality. Several provinces had already established gender equality evaluation mechanisms. In Jiangsu Province, for example, some 20 local laws, regulations and policies, such as the draft regulations on employee maternity insurance, had been formulated or amended. Twenty-one gender research and training centres had been set up and, since 2009, mainstream media outlets had broadcast news reports on women's rights to draw public attention to the issue of women's development and gender equality.

5. In 2009, to offset the impact of the international financial crisis on women's employment, China had introduced a system of interest-free microcredit for women. By June 2014, approximately US$ 32.3 billion in loans had been paid out to some 4 million women, creating jobs for more than 10 million women. Women's participation in policymaking and management, which was one of the priorities of the Programme for the Development of Chinese Women, was also being vigorously promoted. In 2013, 23.4 per cent of all deputies in the National People's Congress had been women, an increase of more than 2 per cent over the previous Congress. The proportion of women civil servants was also on the rise.

6. Major efforts were also being made to improve women's health. Thanks to the maternity and infant safety initiative, the national rate of hospital births had risen to 99.2 per cent and maternal mortality had dropped to 23.2 per 100,000 live births. Free cervical and breast cancer screening was being provided to women in rural areas.

7. In terms of education, both the National Outline for Medium- and Long-Term Education Reform and Development and the Programme for the Development of Chinese Women contained clear objectives for women's equal access to education at all levels. In 2011, China had introduced a system of policy support for the development of women science and technology professionals. The number of female winners and beneficiaries of the Chinese youth science and technology award and the youth science fund, respectively, had increased significantly.

8. Particular importance was attached to protecting the rights of ethnic minority women. The Government invested significant sums to support economic, social and educational development in ethnic minority areas. Efforts were also made to promote the participation of women from ethnic minorities in decision-making and management and more than 40 per cent of deputies from ethnic minorities in the National People's Congress were women. Investment in services for older persons was also growing.

9. Priority was given to strengthening the social welfare and service system for older people in rural areas. Medical care had also been improved and all women over the age of 65 were entitled to free physical check-ups, health advice and treatment for chronic illnesses.

10. Special protection measures were also in place for women with disabilities. The subsidy system for persons with disabilities living in poverty and the special care subsidy system for persons with severe disabilities had benefited more than 2 million women. More than 3,000 centres for persons with disabilities had been built since 2009 under the Sunlight Home Project to provide health care, rehabilitation and training services to some 50,000 women with disabilities.

11. Measures were being taken to provide education, medical care, employment and social security services to 236 million migrants and their children. Since 2011, rural migrant workers and their children had been included in the public health service.

12. Steps were being taken to enhance the safety and security of girls. The China National Plan of Action on Combating Human Trafficking (2013–2020) and other legislation on child abuse and sexual violence against minors had been introduced in 2013 to afford better protection against such offences and bring the perpetrators to justice.

13. The national system of statistics on the status of women and children had been improved in 2012. There were now 500 indicators that comprehensively reflected the status of women's development in China. All 31 provinces, autonomous regions and municipalities had established local statistical systems. A range of publications now included data disaggregated by sex.

14. **Ms. Tam** (Hong Kong, China) said that, in the Hong Kong Special Administrative Region, equal employment opportunities for women and men were protected by the Sex Discrimination Ordinance. Female employees were provided with maternity protection, comprising paid maternity leave and employment protection during pregnancy under the Employment Ordinance. More than 30 per cent of senior management positions in private business were held by women. The Chief Secretary for Administration, the top official in the Hong Kong Government, was a woman. In the civil service, half of the permanent secretaries and one-third of all directorate officers were women, while more than a quarter of judges and judicial officers were women.

15. The Hong Kong Government fully respected the choice of women to take care of their families rather than pursuing a career. However, a considerable number of female homemakers would be willing to work given suitable employment opportunities, and Hong Kong was expected to require an increase in the labour force to drive economic growth. A range of measures was thus being introduced in order to enable women to pursue a career

of their choice such as planning holistically for better community childcare provision, afterschool childcare and services for older people, more family-friendly workplaces, more part-time jobs and better retraining. The Government was sensitive to the need for specific measures to meet the needs of single parents, women newly arrived in Hong Kong and women with disabilities.

16. The Government was committed to protecting the rights of the approximately 329,000 foreign domestic workers, mostly women, currently employed in Hong Kong. Foreign domestic workers enjoyed a range of labour rights and benefits, including statutory holidays, a weekly rest day and maternity protection. Efforts were made to ensure that foreign domestic workers, the local community and the countries of origin were fully aware of those rights, and foreign domestic workers were encouraged to report cases of abuse and violations of rights. They enjoyed the same access to the courts and legal aid as local workers and employers or employment agencies that violated the relevant law were subject to prosecution.

17. The Women's Commission, set up in 2001 to advise the Hong Kong Government on women's issues, had developed a gender-mainstreaming checklist that had been applied to more than 50 policy areas. On the Commission's advice, the Government had introduced a gender benchmark of 30 per cent for appointments to advisory and statutory bodies. As that target had now been exceeded, the Government was considering raising it further.

18. **Ms. Chu** Lam Lam (Macao, China) said that, since 2006, the Government of the Macao Special Administrative Region had achieved considerable results in safeguarding women's rights and interests through legislation and policies. For example, women in Macao enjoyed the same rights and opportunities in employment and choice of occupation as men and received more comprehensive protection following the amendment to the Labour Relations Law. Maternity leave for female employees had been extended in 2009. Priority had been given to preventive measures at the institutional and legal level to address all forms of violence against women. All acts of violence, whether they occurred in the family or in other circumstances, were regarded as a criminal offence. In order to strengthen efforts to combat domestic violence, with an emphasis on the protection and support of victims, the Macao Government had drafted the law on the prevention of domestic violence to establish a flexible and highly efficient collaboration mechanism involving various departments and non-governmental institutions. The Macao Government also attached great importance to boosting women's participation in management and decision-making and undertook a variety of activities with the Women's Commission to that end.

Articles 1 to 6

19. **The Chairperson**, speaking in her capacity as an expert, welcomed the progress achieved through the enactment of recent legislation, particularly the Law on the Protection of Rights and Interests of Women. However, some inequalities and discrimination persisted, affecting women from a range of cultural and ethnic backgrounds. The fact that legislation was built around a series of overly broad general principles made it difficult for the local authorities and courts to apply them. She wondered whether evaluation mechanisms involving independent experts and quantified objectives had been developed for the action plans concerning women. Noting that it was essential to improve the visibility of the Convention, she asked whether the State party had the political will to strengthen dialogue with women's rights defenders. She wondered whether the new law on violence covered all acts conducted in the private and public spheres.

20. **Ms. Šimonović** asked why the State party had still not introduced a clear definition of discrimination against women in its legislation, particularly in the Law on the Protection of Rights and Interests of Women. She would welcome clarification of the State party's

position on ratification of the Optional Protocol to the Convention. She also wished to know the number of cases before the courts that had dealt with specific violations under the Convention and the sanctions imposed. Lastly, what were the reasons for maintaining the reservations and declarations in respect of Hong Kong?

21. **Ms. Hayashi** said that there continued to be a lack of statistics, for example on the incidence of rape, and there appeared to be a lack of transparency with regard to information connected to the rights of women. Noting that the courts could apparently refuse to hear cases if they were deemed politically sensitive, she wondered how the National Human Rights Action Plan addressed such situations. She asked the delegation to comment on an unfortunate incident involving a woman working for a HIV/AIDS organization in China who had planned to travel to Geneva for the current meeting but had had her passport confiscated by the provincial authorities. She wondered how the National Human Rights Action Plan provided for the protection of human rights defenders.

22. **Ms. Pimentel** asked the State party the extent to which it considered the justice mechanisms in China to be gender-sensitive and accessible to all women, including those in rural areas, older women, women with disabilities and lesbian, bisexual, transgender and intersex groups. Did all of the professional capacity-building programmes currently being conducted reach all actors in the justice system? She would be interested to hear about the geographic distribution of legal aid centres, the nature of grievances brought by women, and how many requests for assistance had been received since 2006. She wished to know whether any State agents had been held accountable for abuse or unlawful detention of women. She asked whether women were represented at all levels of the justice system and how women who filed complaints of rights violations were protected so as to ensure that they did not suffer further victimization and stigmatization.

23. **Ms. Leinarte** asked whether sufficient financial and human resources had been allocated to the National Working Committee on Children and Women and Programme for the Development of Chinese Women (2011–2020), and whether gender focal points had been appointed in all Government ministries. She also requested further information concerning the main objectives of the national coordinating bodies, including the steering group for women's contributions to society, referred to in the English version of the report as the Leading Group for the National Exercises of Women, and their status within the national gender machinery. Had monitoring mechanisms been established to evaluate the impact of such bodies on gender equality? Furthermore, she wished to know whether the inclusion of a large number of non-official members in the Women's Commission had adversely affected its ability to carry out its functions and requested further information on the legal status of the Women's Commission and Equal Opportunities Commission in the Hong Kong Special Administrative Region. Similarly, she asked whether the Consultative Commission for Women's Affairs in the Macao Special Administrative Region had taken steps to incorporate gender equality provisions into national legislation and policy, and requested further information on its political and executive status. Lastly, she asked whether dedicated national human rights institutions would be established in Hong Kong and Macao.

24. **Ms. Song** Xiuyan (China) said the National Working Committee on Children and Women was responsible for preparing, implementing and monitoring the Programme for the Development of Chinese Women. The National Bureau of Statistics collected disaggregated data on each objective under the Programme and published an annual report which summarized the progress made towards gender equality. National and regional teams, comprised of Government officials and independent experts, also carried out unannounced inspections in order to evaluate the implementation of the Programme in both urban and rural areas of the country.

25. **Mr. Chen** Jialin (China) stressed that the Government had taken all necessary measures to eliminate both direct and indirect forms of discrimination on the grounds of gender. The Constitution provided equal political, social and economic rights for women and various laws had been adopted to protect women's interests and guarantee their equal access to education, employment and political life. The Government had also recently drafted new legislation on the protection of the family, which provided enhanced protection for the most disadvantaged and vulnerable groups in society such as rural and older women and women with disabilities.

26. **Mr. Sun** Ang (China) said that his Government would continue its consideration of the Optional Protocol and provide further information on its progress towards ratification in its next report to the Committee.

27. **Ms. Gao** Shawei (China) said that new legislation to combat domestic violence had been drafted and submitted to the National People's Congress for consideration. NGOs and civil society organizations had been invited to comment on the text and their suggestions had been taken into account. The bill would focus solely on violence against women within the family; other acts of violence against women would continue to fall under the provisions of the Criminal Code.

28. **Mr. Zheng** Ziwen (China) said that the Government had made legal aid more widely available in 2003 in an effort to provide more effective legal assistance for women. Legal aid offices in urban and rural areas of the country had been set up, a national telephone hotline had been established and legal aid awareness-raising campaigns for all relevant stakeholders had been conducted. Since 2009, steps had also been taken to review the legal guidance provided to women and follow up on cases in which legal assistance was provided with a view to equal access to justice for all groups of women.

29. **Mr. Chen** Jialin (China) said that confidentiality and privacy legislation contained strict provisions regarding data collection. Data could only be made public if it was in the public interest and did not threaten State sovereignty or national security. Regulations regarding Government transparency had been adopted in 2010 in order to strengthen public access to national data and Government ministries that failed to comply with data publication standards could be held legally accountable.

30. **Ms. Xiao** Li (China) said that the Government had published data for each of the indicators under the Programme for the Development of Chinese Women. The National Bureau of Statistics had also established a statistics databank on women's development and had recently begun to collect disaggregated data on the number of women in employment.

31. **Mr. Chen** Jialin (China) stressed that the courts were fully independent and not subject to any form of State interference.

32. **Ms. Wu** Xiaofang (China) said that, as of the end of 2013, the number of women judges, prosecutors and lawyers had increased at all levels of the judicial system.

33. **Mr. Sun** Ang (China) said that he was unaware of reports that a woman NGO representative had been prevented from attending the current meeting and requested further information from the Committee regarding the case.

34. **Ms. Zhang** Li (China) said that the Government had taken a number of measures to promote gender equality and implement gender-mainstreaming policies, including the allocation of additional financial and human resources for the National Working Committee on Children and Women and the Programme for the Development of Chinese Women.

35. **Ms. Wu** Xiaofang (China) said that the Government had organized gender awareness-raising courses for judges and court officials, which included training on the provisions of the Convention.

36. **Ms. Zhang** Li (China) said that the Government collaborated closely with NGOs and civil society organizations on gender and equality issues. The National Working Committee on Children and Women included six NGO representatives and its office had been established on the premises of the All-China Women's Federation, the country's largest civil society women's organization, so as to strengthen cooperation between the two entities.

37. **Ms. Tam** (Hong Kong, China) said that numerous efforts had been made to implement the Convention and clearly prohibit all forms of discrimination on the grounds of gender in Hong Kong. Numerous anti-discrimination ordinances had been adopted in recent years and specific measures had been taken to guarantee women's employment rights, such as the introduction of paid maternity leave and safeguards against unfair dismissal. Gender focal points had been appointed in all Government ministries and Government officials and policymakers received in-depth training on gender mainstreaming.

38. The Women's Commission was the main national body responsible for promoting and mainstreaming gender equality and had been allocated its own budgetary line. It worked alongside other bodies, including the Equal Opportunities Commission, to eliminate discrimination and the sexual harassment of women. The inclusion of 19 non-official members ensured that the Women's Commission could work in an independent manner, while the 3 ex officio members guaranteed that it could enforce its mandate.

39. **Ms. Chu** Lam Lam (Macao, China) said that equality and non-discrimination were general principles of law in Macao that could be directly invoked before the courts. Furthermore, new employment and education legislation had recently been introduced to promote gender equality and increase women's participation in public and political life.

40. There were several bodies which assumed responsibility for implementing and upholding human rights in Macao. A separate Government unit had been established to raise awareness of gender issues and disseminate the Convention among the public and the Consultative Commission for Women's Affairs had been introduced in 2005 with a view to mainstreaming gender throughout all Government departments and policies.

41. **Ms. Hayashi** asked for further clarification on the exact nature of the relationship between the people's political consultative committees and the people's courts.

42. **Ms. Pires** asked whether the special temporary measures in the field of women's education and health care formed part of an overarching policy strategy to address gaps in gender equality and whether steps had been taken to evaluate their effectiveness in accelerating de facto equality between men and women. She also asked whether measures would be taken to uphold gender parity once temporary special measures were no longer taken, particularly for the most disadvantaged and vulnerable groups of women.

43. She wished to know whether the Government intended to introduce gender quotas for elected and appointed political positions in order to achieve a minimum participation rate for women of 30 per cent. She requested clarification concerning the reservation in respect of Hong Kong to article 4 of the Convention and enquired as to whether Macao had taken steps to raise awareness of special temporary measures among Government policymakers.

44. **Ms. Hayashi**, recalling that the Convention on the Rights of Persons with Disabilities required States parties to adopt measures to guarantee women and girls with disabilities full enjoyment of their fundamental rights, said that the Committee found the continued existence of laws which discriminated against women and girls with disabilities in mainland China, Hong Kong and Macao to be regrettable. She asked whether the State party intended to adopt a comprehensive law prohibiting discrimination on the grounds of disability. Noting that the State party still classed homosexuality as a mental disorder and

that lesbian, bisexual and transgender women were often subject to discrimination and even violence, she asked whether the State party intended to remove homosexuality from the list of mental disorders and to launch awareness-raising campaigns to promote greater tolerance of homosexuality in Chinese society. The Committee had received reports that women were frequently subject to physical and sexual abuse in both State-run and extralegal detention facilities known as "black jails". She requested the State party to comment on those reports. While the Committee considered the recent abolition of "re-education through labour" detention facilities to be a positive development, it remained concerned that they would be replaced with other arbitrary detention facilities. She asked whether the State party had provided redress to former inmates of "re-education through labour" facilities and how the State party monitored compliance with the order to abolish those facilities, especially at the local level.

45. **Ms. Šimonović** enquired as to the number of court cases in which the Convention had been invoked directly in Macao and whether the Convention could also be invoked directly in court cases in mainland China and Hong Kong. She asked what measures the State party had taken to combat gender stereotypes, which remained prevalent in all regions of the country. Noting that the Law on the Protection of the Rights and Interests of Women prohibited domestic violence against women, she wished to know how the State party defined domestic violence and what penalties were prescribed for that offence. She asked for more details of the draft legislation before the People's Congress to prevent domestic violence and how many cases of femicide had been recorded in the State party.

46. **Ms. Jahan** said that the lack of detailed information in the State party's report made it difficult for the Committee to assess the situation of trafficking in women and girls in China and the special administrative regions. She requested additional information on the root causes of human trafficking in the State party and the measures taken by the Government to address them. She also requested statistical data on the victims of human trafficking disaggregated by sex, age, ethnicity and nationality. She asked whether the national plan of action to combat human trafficking for the period 2013–2020 included a gender perspective; whether there was a mechanism in place to monitor the implementation of the national plan of action; and what role NGOs played in its implementation. While the Government's efforts to raise awareness of human trafficking were commendable, it should focus on providing comprehensive assistance to the victims of human trafficking, including adequate medical care and rehabilitation services. She asked whether there were special shelters for female victims of trafficking and, if so, how many.

47. Noting that the definition of human trafficking contained in the Criminal Code did not cover all forms of the phenomenon, she asked whether the State party envisaged adopting a comprehensive anti-trafficking law that was in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). She asked whether the central Government had considered withdrawing the declaration that it had made upon ratifying the Palermo Protocol which established that the Protocol did not apply to Hong Kong.

48. The Committee had received reports that female prostitutes could be arbitrarily detained in "custody and education" centres for up to 2 years. She asked whether the Government envisaged abolishing such detention centres. Noting that female prostitutes carrying sexually transmitted diseases could be penalized under Chinese criminal law, she urged the Government to treat and rehabilitate those prostitutes rather than punish them. Lastly, she asked what measures the Government had taken to afford female prostitutes more comprehensive protection.

49. **Mr. Sun** Ang (China) said that "black jails" were run by private individuals and operated outside the country's legal framework. Persons who ran such illegal detention

centres had committed a crime and would be prosecuted and punished. A number of arrests had been made in Beijing in connection with such illegal detention centres.

50. **Ms. Mu** Hong (China) said that the rights of all Chinese citizens were protected by Chinese law, regardless of their sexual orientation. In China, social attitudes towards homosexuality were becoming more progressive. There were social organizations that could provide lesbian, bisexual and transgender women with a range of support services.

51. **Ms. Wang** Ying (China) said that the anti-trafficking unit of the Ministry of Public Security had been set up in 2007 to coordinate efforts to combat human trafficking. A higher number of cases of trafficking in persons were recorded in certain regions of the country on account of the sophisticated and extensive trafficking networks established by traffickers. The number of cases of trafficking involving women and children continued to rise. The public security authorities used the Palermo Protocol to guide their activities to combat human trafficking and to provide the victims with adequate protection. A special databank on human trafficking had also been developed, which had allowed the public security authorities to track down around 2,000 children who had been trafficked a number of years before.

52. The national plan of action to combat trafficking in persons for the period 2013–2020 set out the procedures for investigating cases of human trafficking and for dealing with the victims. There were no separate shelters for female victims of trafficking. In China, the crime of human trafficking was understood to include all forms of the phenomenon.

53. **Ms. Tam** (Hong Kong, China) said that the Hong Kong authorities did not intend to repeal or modify any existing laws which provided for women to be treated more favourably than men, such as the Adoption Ordinance. Given that Hong Kong was a common law jurisdiction, the Convention did not have the force of law and its provisions were not directly enforceable in Hong Kong courts. The relative economic prosperity of Hong Kong and its liberal visa regime made it susceptible to illegal immigration. Given the region's small size and high population density, the Hong Kong authorities would need to consider the consequences of applying the Palermo Protocol, which permitted victims of human trafficking to remain in its territory either on a temporary or permanent basis.

54. **Ms. Chu** Lam Lam (Macao, China) said that the Convention could not be invoked directly in court cases in Macao. The statistical data contained in paragraph 17 of the written replies to the list of questions (CEDAW/C/CHN/Q/7-8/Add.1) showed that the degree of participation of women in public life in Macao was similar to that of men. The Macao authorities saw no real need to adopt temporary special measures.

55. **Ms. Fernandes De Sousa Ferreira** (Macao, China) said that the Macao authorities had adopted comprehensive legislation on human trafficking based on the Palermo Protocol. The legislation focused on preventing human trafficking, prosecuting traffickers and protecting victims. There were three shelters in total: one for men, one for women and one for minors. There were also 24-hour hotlines for reporting cases of human trafficking and providing guidance and assistance to victims. The measures in place to identify victims of trafficking included border checkpoints and performing thorough background checks on persons entering the region from "high-risk" countries. The Macao authorities had also launched campaigns to raise public awareness about the dangers of human trafficking. Persons applying for a visa or work permit were also provided with such information.

56. **Ms. Zhang** Li (China) said that, under the Law of the People's Republic of China on the Protection of the Rights and Interests of Women, State bodies and institutions were required to appoint and train a certain number of women, including women from national minority groups. Moreover, women accounted for at least 30 per cent of the candidates standing for election to the people's congresses of the autonomous regions of China. Women currently accounted for over 40 per cent of the members of the National People's

Congress. Furthermore, the Government allocated additional budgetary resources to the autonomous regions to guarantee children from national minorities access to education and to generate employment. The primary school enrolment rate was largely the same for boys and girls throughout the country.

57. **Ms. Hayashi** asked whether the State party had conducted investigations into the alleged abuse to which women were subject in "black jails".

58. **Ms. Halperin-Kaddari** asked whether the reports prepared by civil society organizations had been reviewed by the Government prior to being submitted to the Committee; whether the State party planned to waive the requirement for civil society organizations to be sponsored by a State body before they could be registered; what measures were in place to protect members of civil society organizations and human rights defenders from reprisals; and whether marital rape constituted a crime in mainland China, Hong Kong and Macao.

59. **Ms. Šimonović** asked whether the Convention could be invoked directly in court cases in mainland China; what forms of domestic violence were covered by the pending legislation to combat domestic violence before the national legislature; and whether that bill criminalized domestic violence.

60. **Ms. Pires** asked whether there were temporary special measures in place for Tibetan women.

61. **Mr. Sun** Ang (China) said that the Government welcomed the efforts of NGOs and civil society organizations to promote women's rights. Civil society organizations, including the ones present at the current meeting, were not subject to reprisals of any kind for their work.

62. **Ms. Song** Xiuyan (China) said that the bill on domestic violence under consideration by the National People's Congress would contain a definition of the offence and specify penalties for the perpetrators of domestic violence.

63. **Ms. Tam** (Hong Kong, China) said that the Hong Kong authorities had held extensive consultations with NGOs, which had made a valuable contribution to the State party's report. The Hong Kong authorities had adopted legislation prohibiting human trafficking and related acts and prescribing harsh penalties for perpetrators which was in line with the Palermo Protocol.

64. **Ms. Tang** Aihua (China) said that the Hong Kong Crimes Ordinance provided that unlawful sexual intercourse included non-consensual sexual intercourse between a man and his wife. Marital rape therefore constituted a crime under Hong Kong law.

65. **Ms. Chu** Lam Lam (Macao, China) said that marital rape constituted a crime under Macao law if certain conditions were met. Perpetrators of marital rape could incur a prison sentence of between 3 and 5 years.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the 1252nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 23 October 2014, at 3 p.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of China (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of China (continued) (CEDAW/C/CHN/7-8; CEDAW/C/CHN/Q/7-8 and Add.1; HRI/CORE/CHN/2010; CEDAW/C/CHN-HKG/7-8; HRI/CORE/CHN-HKG/2010; CEDAW/C/CHN-MAC/7-8; HRI/CORE/CHN-MAC/2010)

1. *At the invitation of the Chairperson, the delegation of China took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Song** Xiuyan (China) said that some temporary special measures incorporating assessment mechanisms — for example, low-interest loans — had been implemented to help women.

3. **Mr. Wei** Xiaoying (China) said that recent measures to help the Tibetan population, including women, included a loan programme from which many entrepreneurs had benefited, universal free medical care, and financial support for the children of farmers and herders. The region had been the first in the country to benefit from the basic living standard scheme.

4. **Mr. Sun** Ang (China) said that the authorities had conducted a thorough investigation into the operations of "black jails" in various places, including Beijing. One court had convicted 9 people of the crime of illegally imprisoning others, while another court had handled six such cases, in which 13 people had received jail sentences. Such examples showed that his Government thoroughly investigated cases of illegal imprisonment.

5. **Mr. Yi** Peizhuang (China) said that all NGOs operating in conformity with Chinese law had their registration requests approved. The procedures for the registration of NGOs had been simplified, so that the number of registered NGOs in mainland China stood at 500,000 or more, compared with 1990, when they had numbered only 40,000.

6. **Ms. Wu** Xiaofang (China) said that the rule of law prevailed in China and that its courts operated independently. Starting in 2015, all court decisions would be published online for greater transparency.

7. **Mr. Chen** Jialin (China) said that criminal proceedings were launched against female prostitutes only when there was a danger of spreading disease. When prostitutes were detained, it was in order to provide them with moral education and medical care.

8. **Mr. Sun** Ang (China) said that, while the Convention was a very important document for China, court decisions in cases relating to women's issues usually cited national law as it covered those issues in more detail than the Convention.

9. **Ms. Su** Fengjie (China) said that her Government valued, and would continue to strengthen, its cooperation with civil society organizations. In formulating policy it often sought the views of the public and NGOs. For example, the latter had provided input for the Programme for the Development of Chinese Women.

10. **Mr. Wang** Kai (China) said that efforts were being made in China to eliminate stereotypes and discrimination regarding women. Women's contributions to society were highlighted not only in media campaigns and in school curricula but also in art and literature.

11. **Ms. Gao** Shawei (China) said that more than 20 provinces and some 100 cities had centres to assist victims of domestic violence. All coercive sexual conduct was considered rape and therefore a crime.

12. **Ms. Wang** Ying (China) said that in recent years her Government had carried out anti-trafficking operations that had identified over 30,000 cases of trafficking and led to the rescue of 128,000 children and 160,000 women. Disaggregated data on the topic were not available.

13. **Ms. Song** Xiuyan (China) said that judicial officials, including judges, prosecutors, and police and public security officials at various levels, underwent training on topics pertaining to their work.

14. **Ms. Wu** Xiaofang (China) said that there were training institutes for judges at various levels. Yearly training sessions for judicial officials and police officers included coverage of the gender perspective and women's rights.

15. **Ms. Song** Xiuyan (China) said that women's right to own land was enshrined in the law but was sometimes compromised when a woman's marital status changed. Various methods such as mediation and arbitration were used to resolve land disputes. New regulations governing land taken by the State would ensure that if the land belonged to a married couple, compensation was paid in both spouses' names.

Articles 7 to 9

16. **Ms. Pires** said that, according to the Working Group on the issue of discrimination against women in law and in practice, which had visited China in December 2013, the percentage of women at high levels of decision-making remained low. Given that China ranked sixty-second among the world's countries in terms of the representation of women in its legislature, perhaps temporary special measures were in order. Had there been an analysis of barriers impeding women's participation in political and public life? How did the State party ensure that women from ethnic minority groups and female candidates who did not belong to the Communist Party were not harassed as they sought to make their views heard? Had the reasons for low political participation by women in the Hong Kong and Macao Special Administrative Regions been studied? Was there any correlation between the increasing number of women in high-level private-sector posts and the number of women serving in the functional constituencies?

17. **Ms. Song** Xiuyan (China) said that indeed more efforts to boost women's participation were needed and that the Programme for the Development of Chinese Women addressed the issue.

18. **Mr. Shao** Yujin (China) said that the regional governments devoted attention to the participation of women from ethnic minorities in public and political life. For example, as of July 2013, some 35 per cent of civil servants in the Tibet Autonomous Region had been women.

19. **Ms. Tang** Aihua (China) said that the Constitution guaranteed freedom of religion and protected normal religious activities.

20. **Mr. Sun** Ang (China) said that citizens who were at least 18 years old had the right to vote and to run for office. Hindering the free exercise of those rights was an offence. He invited individuals aware of any such cases to report them to the Chinese authorities.

21. **Ms. Sun** Fengjie (China) said that migrant women could vote in the municipality in which they were registered or the one where they worked.

22. **Ms. Tam** (Hong Kong, China) said that, although women in that region did run for public office, men seemed to have more success in being elected. There were ongoing

awareness campaigns to encourage women to participate in political life. A recent increase in the number of women occupying positions of responsibility in the private and public sectors seemed to be linked to improvements in education and political literacy.

23. **Ms. Chu** Lam Lam (Macao, China) said that women there had the right to vote and run for office, and that about half of registered voters were women. The second-highest-ranking official in the local government was a woman. Some 45 per cent of judicial workers were female.

Articles 10 to 14

24. **Ms. Halperin-Kaddari** asked whether the State party monitored the application of the new provision allowing children of migrants to register for university examinations in their place of residence. Was the State party considering abolishing the enrolment ceilings that currently limited the numbers of women admitted to study certain subjects, such as engineering and law? What steps were being taken to improve the living conditions and access to education of "left-behind girls" in rural areas? Were measures planned to give women with intellectual disabilities greater access to education and training?

25. **Mr. Bruun** urged the State party to incorporate an explicit definition of direct and indirect discrimination into its labour legislation. He asked what remedies were available to women who suffered discrimination regarding recruitment, wages or dismissal, how many related court cases had been brought and how they had been resolved.

26. Regarding the gap between women's and men's pay, he said that, according to information provided to the Committee, the average income of urban women as a percentage of urban men's income had dropped from 78 per cent in 1999 to 67 per cent in 2010. The gap had reportedly also increased in rural areas. Gender-based segregation with regard to types of jobs appeared to be a major factor in the gap. Despite the situation, the State party had not implemented the principle of equal pay for work of equal value. He asked how the State party intended to tackle the pay gap.

27. He welcomed the increase in maternity leave to 98 days, but asked what was being done to eliminate discrimination on the grounds of maternity towards women in the workplace. It was currently a cause for much concern as it involved not employing women because they had children, not paying maternity benefits and dismissing pregnant women.

28. The conditions of parental leave in Hong Kong and the argument to support the reservation to article 11, paragraph 2, of the Convention regarding maternity leave and pay were unacceptable. Maternity benefits could be funded by general social security contributions, thus easing the financial burden on any single employer. He wondered whether the Hong Kong authorities might consider exploring that option and withdrawing the reservation? Lastly, what was the status of the current debate among the Chinese authorities on the retirement ages for men and women?

29. **Ms. Patten**, expressing her deep concern at the situation of domestic migrant workers in Hong Kong, which included exploitation by recruitment agencies and employers, excessive fee requirements, refusal to grant leave, confiscation of passports and arbitrary dismissals, asked what steps were being taken to investigate and sanction those acts. She also asked what measures had been adopted to repeal the "two-week rule" and the "live-in rule", and to waive the cost of visa extensions for migrant domestic workers seeking compensation for abuse and exploitation. Lastly, were there plans to extend the sexual harassment prevention system to all workplaces and to the civil service in China? Would the operation of sexual harassment prevention policies be enforced in all workplaces?

30. **Ms. Pimentel** requested information on measures to ensure access for all women, particularly those from vulnerable groups, to health services; on capacity-building and

improvement of services for victims of gender-based violence; on compensation for women who had contracted HIV/AIDS through blood transfusions using illegal blood collection; and on guarantees of confidentiality for women living with HIV/AIDS. She asked for details of the fines imposed on persons who carried out forced abortion, forced sterilization and female infanticide, how those funds were used and about measures to address corruption of local officials who enforced birth control. What procedures were in place to ensure access to family planning and reproductive health services for unmarried couples, single women and adolescents? What was being done to monitor the impact of environmental pollution on women's health? What measures were taken to address the alarmingly high rate of Caesarean sections in China? Lastly, she asked whether the Government envisaged developing programmes targeted at men under the project on common gynaecological diseases prevention and control survey.

31. **Ms. Gabr** expressed concern that the social security scheme, including health insurance, did not cover all provinces and asked when it would be extended. Furthermore, what was being done to protect the local languages and religious and cultural identity of the Tibetan community, and of the Uighur people, under their new circumstances? The literacy and training programmes introduced for the empowerment of rural women were commendable; however, it was also essential to ensure that women could fully exercise their landownership rights. More information would therefore be appreciated on the application of legislation on land contracts and on why it was not implemented in all provinces. She requested further information on the distribution of matrimonial property following divorce; on full and effective access by rural women to legal counsel; on the authority responsible for the payment of compensation following land expropriation; and on equal access to land for men and women. In addition, what was being done to improve wages for women agricultural workers, who earned less than the national average?

32. **Mr. Gao** Xuegui (China) said that migrant children were enrolled in schools based on their place of residency and that vocational training was offered to all women, including migrant women. Most secondary schools and universities had rectified the discrepancy between entrance-exam scores for boys and girls. Under new regulations, no quotas for women's enrolment in educational establishments were permitted, except in the fields of national defence and public security, and quotas for certain programmes in military institutions had been withdrawn.

33. Currently, women accounted for just over half of university enrolments, and, according to recent reports, there had been a small reduction in discrimination in education. The boarding schools for rural girls provided decent conditions, and ensured their welfare, and new Government targets had been set as to how they were run. Education programmes for women with disabilities had been implemented in larger towns and a government programme had been established to guarantee education for all girls and women with disabilities by 2016. Education was provided to girls and women with intellectual disabilities mainly by tutors who visited students at home to give practical and vocational training.

34. **Mr. Ma** Hezu (China) said that labour legislation in China guaranteed equal rights for men and women and that it was effectively implemented in the workplace. An increasing number of women were availing themselves of legal remedies, in correlation with their growing awareness of their labour rights. Wages were protected under labour law and rates were determined at sectoral level. Efforts would be stepped up to monitor observance of equal pay for equal work. Furthermore, women enjoyed full maternity protection and fines were imposed on enterprises that contravened the law in that respect. The current retirement age for women was 55 years for female cadres and 50 for other women workers. There were plans to raise the retirement age for women, enabling those at

senior levels to choose to work up to the age of 70, if so required. Information on any developments in that area would be transmitted to the Committee.

35. **Ms. Gao** Shawei (China) said that under regulations on sexual harassment in the workplace, companies or institutions must have a specific department or individual responsible for dealing with complaints of harassment. Employers were required to report cases brought to their attention, and sanctions were applied in cases of violation of the regulations . Campaigns to raise awareness of harassment were also run in workplaces.

36. **Ms. Liu** Ying (China) said that total health expenditure in China amounted to 5.2 per cent of GDP as at 2013. Various policies had been drawn up to improve women's and children's health, including specific programmes regarding maternal health, particularly for rural women and other vulnerable groups. Programmes had also been developed concerning hospital births, which were subsidized by the State, and treatment for HIV/AIDS and syphilis. The new rural cooperative medical care system covered 99 per cent of the rural population. Contributions could be made to either the urban or the rural health insurance scheme, regardless of the place of residence. Further subsidies for medical treatment and services were granted to women from poor households. Recent efforts on the prevention of sexually transmitted diseases involved awareness-raising campaigns on HIV/AIDS, safe sex and contraception. The rights of persons living with HIV/AIDS were upheld and institutions found responsible in cases of HIV/AIDS contraction through infected blood transfusion were required to pay compensation to the victims.

37. Laws on family planning which prohibited forced sterilization were enforced nationwide and any institutions that infringed those laws were held accountable. Maternity protection was guaranteed for women throughout pregnancy and premarital counselling and health-care services were available for unmarried women. Provision had been made for sexual and reproductive health education targeted at young people that covered such issues in textbooks and awareness-raising workshops.

38. Pursuant to the State's constitutional duty to protect the environment, the Government had adopted a number of laws and regulations to mitigate the health impact of pollution, including penalties for high polluting businesses. All the measures had yielded positive results. Replying to questions regarding women's sexual and reproductive health, she said that steps had been taken to enhance the oversight of the practice of caesareans, build capacity in that area, set up specialized medical teams and raise public awareness. In addition, the authorities were stepping up measures to prevent women's diseases, inter alia, by increasing access to and expertise in cancer screening.

39. **Mr. Ma** Hezu (China) said that retirement pension schemes had been piloted in urban and rural areas and would be harmonized shortly, then extended to the entire country by the end of 2015.

40. **Mr. Shao** Yujin (China) said that the Government of China and the Government of the Tibet Autonomous Region were collaborating to preserve Tibetan language, culture, customs and traditional medicine. For example, all legislation, official documentation and television and radio programmes were produced in Tibetan and Chinese.

41. **Mr. Zhang** Mou (China) said that the rights of rural workers who migrated to cities, including Uighur women, were upheld; their wages were in line with those of other workers and they were free to live by their customs. Government programmes were in place to assist migrant Uighur women in obtaining employment.

42. **Ms. Gao** Shawei (China) said that rural women could obtain State compensation in landownership disputes in a variety of ways, including conciliation, mediation and arbitration. Between 2011 and 2013, the people's courts had heard 500,000 cases relating to land rights, 19,000 of which concerned women. Legal aid was available; when women's

applications for such aid were rejected, they could appeal to women's federations for assistance.

43. **Ms. Song** Xiuyan (China) said that people abandoning agriculture for employment in the city was a natural consequence of industrialization. Nevertheless, programmes were in place to provide women who were left behind with training in crafts and agricultural practice. Grants and microfinancing helped bridge the gap between rural and urban wages.

44. **Ms. Tam** (Hong Kong, China) said that children with special needs, including those with intellectual disabilities, had equal opportunities in the field of education, either in mainstream or special schools. Although the delegation was open to the Committee's suggestions regarding parental leave, an insurance scheme was not practicable in Hong Kong. Nevertheless, a bill on paternity leave was being considered. The Sex Discrimination Ordinance (Hong Kong) was binding on both the private and public sectors and provided for tort proceedings in cases of sexual harassment. Replying to questions regarding foreign domestic helpers, she said that all cases of ill-treatment reported to the Labour Department were taken seriously and sanctions were imposed. The "live-in rule" was necessary as foreign domestic helpers were hired precisely because there was a shortage of live-in staff. The "two-week rule" was not intended for helpers to find alternative employment once their contracts expired; rather, they were meant to return to their country of origin to search for work. Possible exemptions from the rule were considered on a case-by-case basis.

45. **The Chairperson**, speaking in her capacity as an expert, suggested that new technologies could provide useful solutions for rural access to education.

Articles 15 and 16

46. **Ms. Halperin-Kaddari** asked whether the court political committees still existed and, if so, what their gender composition was. Although the Government acknowledged the low rate of female rural landownership, it emphasized mediation and community dispute resolution mechanisms. Yet those were not formal sources of law and overreliance on them amounted to de facto legal pluralism. Did the Government plan to intervene in villagers' committees to ensure the adequate representation of women and take over dispute resolution? Referring to a 2011 Supreme People's Court interpretation of the Marriage Law whereby property reverted back to the original purchaser upon the dissolution of marriage, she pointed out that it did not constitute substantive equality given that, in practice, men were most often the original purchasers. She wished to know whether the Government intended to clarify that law and perhaps overturn the Supreme People's Court decision in order to bring back the communal marital property regime. Reading from paragraph 476 of the report of Hong Kong (CEDAW/C/CHN-HKG/7-8), she asked whether the minimum marriage age remained 16 in that region.

47. **The Chairperson**, speaking in her capacity as an expert, asked whether it was true that unmarried young women were stigmatized.

48. **Mr. Sun** Ang (China) said that there had never been political committees within the courts. There were, however, trial committees composed of the presiding judge and senior judges who were competent to hear complex cases.

49. **Ms. Wu** Xiofang (China) said that, in August 2014, the Supreme People's Court had issued further guidance regarding the division of marital property. Property acquired before marriage reverted to the original purchaser; however, when payments on the property had been made jointly during the marriage, the spouse who had not originally purchased it was entitled to compensation. Housewives who did not earn an income during the marriage were considered to have contributed to the mortgage. Therefore, the relevant provisions of the Marriage Law were not considered as violating women's rights.

50. **Mr. Yi** Peizhuang (China) said that women had the right to vote in elections and, in fact, were often more active than men in that regard. They could also be elected as heads of villagers' committees. In accordance with the law, at least one third of villagers' committee members should be women. Currently, nearly 12 per cent of heads of those committees and 28 per cent of their members were women.

51. **Ms. Tam** (Hong Kong, China) said that the Law Reform Commission had published a series of reports on children's rights and parental responsibilities, including recommendations regarding the minimum marriage age.

52. **Ms. Pimentel** invited the delegation to comment on concerns about the infanticide of girls and children with disabilities.

53. **Ms. Hayashi** requested confirmation that women who infringed the one-child policy were liable to financial penalties. Noting with surprise the absence of any female opposition or independent representatives in the National People's Congress, she asked whether female candidates for other parties were intimidated or threatened and whether the authorities investigated allegations to that effect.

54. **Ms. Wang** Ying (China) said that infanticide was an offence under the Criminal Code and incurred harsher penalties if the murdered child had a disability.

55. **Ms. Liu** Ying (China) said that population control regulations stipulated that persons who exceeded the authorized number of children had to pay a social maintenance fee.

56. **Mr. Sun** Ang (China) said that all Chinese citizens over 18 were entitled to participate in elections. Any infringements of that right should be reported.

57. **Mr. Chen** Jialin (China) said that, under the Electoral Law, candidates were to be nominated by a group of at least 10 people and then selected by their party.

58. **Ms. Song** Xiuyan (China), speaking on behalf of her delegation and those of the Hong Kong and Macao Special Administrative Regions, said that China was intent on finding a human rights approach that took into account the country's socialist features. The Government was aware that many gaps and challenges remained, it would consider carefully the Committee's recommendations and it looked forward to further cooperation. She invited the Committee members to visit China at a mutually convenient time in order to see for themselves the actual situation of women's rights in the country.

59. **The Chairperson** thanked the delegation for the spirit in which it had taken part in the dialogue. She urged the State party to continue and intensify its implementation of the Convention, ratify other international human rights instruments and foster greater dialogue with civil society.

The discussion covered in the summary record ended at 5.20 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record of the 1253rd meeting
Held at the Palais des Nations, Geneva, on Friday, 24 October 2014, at 10 a.m.

Chairperson: Ms. Ameline

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Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined sixth and seventh periodic reports of Ghana

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Ghana (CEDAW/C/GHA/6-7; CEDAW/C/GHA/Q/6-7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Ghana took places at the Committee table.*

2. **Ms. Lithur** (Ghana), introducing the combined sixth and seventh periodic reports of Ghana (CEDAW/C/GHA/6-7), said that Ghana was a multi-ethnic, multilingual and multi-faith country with a culture in which women traditionally played a prominent role. The nation's founding father, Kofi Kwame Nkrumah, had been the first African president to introduce an affirmative action policy; the Constitution prohibited discrimination and prejudice on grounds including gender; and the medium-term development policy framework, the Ghana Shared Growth and Development Agenda, included strategic guidelines for expanding women's role in various economic sectors, including agriculture, energy, oil and gas.

3. Women's representation in public office had reached record high levels, with women accounting for around a quarter of ministers and deputy ministers in the current administration and holding leadership positions in the Commission on Human Rights and Administrative Justice, the National Commission for Civic Education and the Ghana Prisons Service, inter alia, while the National and Regional Houses of Chiefs had begun the process of integrating queen mothers, traditional community leaders, into both Houses. However, despite those strong foundations, the State party recognized the need for further targeted legislative and policy measures to address the persistent inequalities between men and women.

4. With that aim in mind, the mandate of the Ministry of Gender, Children and Social Protection, formed from the 2013 merger of the Ministry of Women and Children's Affairs with three welfare agencies, had been expanded. Since its establishment, the new Ministry had submitted bills on spousal property and succession, drafted legislative instruments to facilitate implementation of the laws on domestic violence and trafficking in human beings, overseen consultations on the affirmative action bill, introduced gender-responsive budgeting in all ministries, departments and agencies and embarked on a review of national gender policy and a drive to mainstream gender in all policies and budgets.

5. In spite of its expanded structure and mandate, the Ministry's budget allocation remained less than 1 per cent of the total national budget. Therefore, in a bid to maximize its limited resources, it had also begun a restructuring exercise to develop a new organizational and performance management framework and had adopted an agenda for change and a five-year strategic development plan that should enhance staff performance and output.

6. Women in Ghana faced persistent challenges in many areas, including access to justice, where legal costs were a particular obstacle. Community mediation centres, an alternative to costly adversarial court processes, had therefore been introduced to handle civil issues such as tenancy, employment disputes and child custody arrangements, and legal aid was available for women unable to pay legal fees through the Ghana Legal Aid Scheme public service organization and a number of NGOs.

7. Women were particularly adversely affected by stereotyping and harmful traditional practices, including female genital mutilation, widowhood rites, forced marriages and ritual servitude, which the Government addressed through vigorous campaigning as well as

legislation. The maltreatment of women accused of witchcraft was an especially complex problem as it touched on issues of mental health and domestic violence, inter alia, and required an integrated, long-term, multisectoral response. With support from Action Aid and the Presbyterian Church, the Ministry of Gender, Children and Social Protection was working to develop that response, endeavouring to improve living conditions in the camps in which women accused of witchcraft were forced to seek refuge, while seeking ways to reintegrate them into their home villages and, ultimately, allow for the camps' definitive closure.

8. Domestic violence and trafficking were also critical areas of concern. To support the legislative efforts in those areas, the Government had established domestic violence and victim support units within the national police service, appointed a team of consultants to carry out research into the prevalence, nature and causes of domestic violence in Ghana and established a dedicated anti-trafficking body within the Ministry of Gender, Children and Social Protection. The body was tasked with identifying strategic priorities and obstacles to implementation of the relevant legal provisions such as ineffective cooperation and insufficient human and financial resources. Girls were at particular risk of trafficking, with victims often being forced into domestic servitude, work as head porters (*kayayei*), street hawking and prostitution.

9. The gender gap in school enrolment had narrowed in recent years, although literacy rates remained lower among women than among men. Women were making inroads in higher education but were still outnumbered by approximately two to one. Scholarships were increasingly available to help keep girls in education and the World Food Programme was providing take-home food rations to schoolgirls in food-insecure regions as an incentive to stay in school.

10. In the field of health care, the authorities were achieving steady reductions in maternal and neonatal mortality and had embarked on an aggressive plan to improve community-based facilities. The Government had adopted an Ebola prevention and response programme and was working with the United Nations Mission for Ebola Emergency Response (UNMEER) to strengthen the nation's preparedness. Mindful of women's role as primary caregivers and the main point of contact for patients, it was focusing those efforts on women.

11. Aware that inadequate data-collection and analysis systems were a major obstacle to the State party's further advancement in fulfilling its implementation and reporting obligations under the Convention, the Ministry of Gender, Children and Social Protection was working to establish a management information system that would provide the gender-disaggregated data essential to policy development, programming and decision-making. It was also working to create a database of microfinance institutions and women's groups and a national household registry system that would help to optimize the distribution of social welfare benefits. The Government of Ghana acknowledged the many challenges that it faced and welcomed the opportunity to learn from the Committee and identify strategies for accelerating its progress towards the elimination of discrimination against women.

Articles 1 to 6

12. **Ms. Patten** asked whether the 2014 constitutional amendment bill included a revision of the current definition of discrimination to bring it into line with article 1 of the Convention, as recommended by the Committee; on what basis, assuming no such revision was envisaged, had the Constitutional Review Commission chosen not to comply with the Committee's recommendation, given that it was supported by the Ministry of Gender, Children and Social Protection as well as by civil society organizations; whether a definition of discrimination in line with the Convention had been included in the affirmative action bill; whether that bill was in fact a revamped version of the gender

equality bill detailed in the State party's previous periodic report (CEDAW/C/GHA/5); and, if so, whether the bill might be retitled the gender equality and affirmative action bill.

13. She invited the delegation to clarify the time frame for adoption of the bills on spousal property and succession and whether legislative instruments would be needed to facilitate their implementation once passed, noting with concern that the absence of such instruments had delayed application of the new laws on domestic violence and trafficking in human beings. She sought clarification on the drafting and adoption procedure for legislative instruments and whether the instruments needed to support particularly important areas of legislation, such disability and mental health, were fast-tracked.

14. Information about consultation and cooperation between the central Government and the National and Regional Houses of Chiefs would be useful, particularly with regard to the harmonization of customary law with international laws and treaties and the contribution of queen mothers to the elimination of harmful traditional practices. Details of any Government measures planned to complement NGO initiatives to improve women's access to justice would also be appreciated. In particular, she would like to know: whether legal aid would become more widely available; the current status of the e-justice project; whether women in remote rural areas had access to the Commission on Human Rights and Administrative Justice; and, if so, whether data showing the number of complaints received from such women were available.

15. **Ms. Leinarte**, expressing concern that the expanded mandate and structure of the Ministry of Gender, Children and Social Protection appeared to have rendered the national machinery for the advancement of women's rights much less targeted and with fewer financial resources, asked whether any evaluation exercise had been conducted to assess its efficacy and whether the Government might consider re-establishing a more gender-equality-focused institution. She also sought assurances of the continuing existence of gender focal points and the availability of gender-disaggregated statistics.

16. **Ms. Lithur** (Ghana) said that the Constitutional Review Commission had not recommended an amendment of the definition of discrimination, as the current definition contained in article 17, paragraph 3, of the Constitution was considered to be sufficiently comprehensive. A comprehensive definition of discrimination against women, which, she believed, was in line with the Convention, had been incorporated in the affirmative action bill, which was indeed an updated version of the gender equality bill detailed in the previous periodic report. The bill's full title was the affirmative action (gender equality) bill of 2014. The property rights of spouses bill had not yet undergone a second reading in Parliament as certain clauses, including the section on cohabitation, required revision. A bill on intestate succession should be submitted for approval in 2015.

17. Legislative instruments would be needed to support the new laws, especially in the case of the property rights of spouses bill. However, such instruments were not a prerequisite for implementation; their purpose was purely elucidatory. In any case, the procedure for their adoption was both shorter and simpler than the procedure for the adoption of new laws. Once finalized by the Attorney General, legislative instruments were referred to the relevant parliamentary committee and could be passed into law 21 days later. The legislative instrument to support the law on disabilities was still in the drafting stage.

18. The different sources of law in Ghana, which included customary law, were clearly defined in article 11 of the Constitution. Any discrepancies between the different sources were harmonized through judicial precedents and the adoption of new laws, such as the bills currently in the pipeline. Queen mothers played a strategic role in traditional governance, especially in regulating and overseeing fertility, reproductive and gender issues. Their integration within the houses of chiefs constituted a major achievement from the

gender equality perspective and it was hoped that they would thenceforth assume an even more central role.

19. Under the 2014 constitutional amendment bill, the Ghana Legal Aid Scheme would enjoy the status of an independent constitutional body and thus be endowed with broader powers and greater human and financial resources. The Commission on Human Rights, which already enjoyed equivalent status, had a presence in all districts in all 10 regions of Ghana and was thus a key mechanism in ensuring access to justice.

20. **Ms. Opuku** (Ghana) said that a near exclusively gender-focused institution continued to exist within the government machinery – namely, the Department of Gender within the Ministry of Gender, Children and Social Protection. The Ministry's new structure and expanded mandate made it better placed to address women's issues across the social spectrum, and also intersectionally, in relation to disability, ageing and other criteria. Gender focal points, known as gender desk officers, were in place in all ministries, departments and agencies as well as at the local level and the Ministry continued to build the capacity of those officers with a view to mainstreaming gender perspectives and introducing gender-sensitive budgeting at all levels of government in all sectors. The Local Government Service evaluated the gender sensitivity of the various district plans and the findings of its assessments were used to determine eligibility for additional funding. The Ministry was also working with the Ghana Statistical Service to strengthen its relatively new statistical research unit and further the development of its gender-disaggregated database.

21. **Ms. Schulz** asked whether steps had been taken to mobilize domestic financial resources for national gender policies so as to reduce the State party's reliance on long-term foreign donor assistance.

22. **Ms. Šimonović** asked whether the Convention had been invoked by individuals or directly applied or referred to in court proceedings in the State party and whether steps had been taken to raise awareness among judges and lawyers of women's rights under the Convention and Optional Protocol.

23. **Ms. Lithur** (Ghana) said that Ghana was undergoing a prolonged period of economic growth and had been categorized as a lower-middle-income country. The Ministry of Women and Children's Affairs had started to plan for a reduction in long-term foreign donor assistance and had requested additional financial resources in order to guarantee the continuation of its medium- to long-term gender policies. Many of the Government's gender initiatives took into account women's rights under the Convention, including the Domestic Violence Act, and the Convention's provisions had been directly invoked before the courts, notably in divorce proceedings involving issues of spousal support and distribution of property. The Government intended to implement additional measures to increase the number of references to the Convention in future and to raise women's awareness of their additional rights under the Optional Protocol.

24. **Ms. Gabr** asked what measures had been taken to address the challenges that impeded women's participation in Parliament, district assemblies, administrative leadership positions and the judiciary. She also wished to know whether progress had been made on the adoption of the affirmative action bill (2012) and whether it contained specific provisions for the most disadvantaged groups of women, including rural and older women.

25. **Ms. Acar** asked the delegation to provide information on measures taken to combat violence against women who were believed to be witches and eliminate harmful, discriminatory practices such as widowhood rites, levirate and female genital mutilation. She wished to know what steps had been taken to expedite the implementation of the Domestic Violence Act and ensure women's access to justice, in particular in relation to barriers such as the absence of de facto legal assistance and medical treatment. In addition,

she requested further information regarding the challenges faced by the State party to effectively investigate, prosecute and impose sentences on perpetrators of domestic violence against women. She also enquired about the services provided by the Domestic Violence and Victim Support Unit and its human and financial resources. She noted with concern that there were only three State-funded shelters for victims of violence and that those shelters were not running for lack of funding. When would they become operational again? She called into question the reliance of the courts on reconciliation in cases of domestic violence, which was a cause for concern, and asked for data on such cases, including the number of repeat offences.

26. **Ms. Jahan** asked the delegation to provide information regarding the prevalence and causes of cross-border and internal trafficking in women and girls in the State party and the progress made in the implementation of the Human Trafficking Act, any obstacles to implementation and measures taken to overcome them. She also wished to know more about the relationship between the Human Trafficking Management Board and the Anti-Human-Trafficking Unit and their financial and human resources. She asked what measures had been taken to identify victims of trafficking, to protect them and to provide them with rehabilitation and reintegration services and whether steps had taken to establish referral systems for victims of trafficking. In addition, she asked the delegation to provide up-to-date information on the number of human trafficking cases investigated, alleged perpetrators prosecuted and sentences imposed. She requested further information on the prevalence of prostitution in the State party and the relevant legal framework and assistance available to women wishing to leave prostitution, including whether they had access to free medical treatment and rehabilitation programmes. Lastly, she wished to know what measures had been taken to prevent and combat the customary practice of *trokosi* (ritual servitude).

27. **Ms. Lithur** (Ghana) said that there was strong political will to combat negative gender stereotypes and harmful, customary practices against women and efforts had been made to gain the support of traditional authorities and village elders in order to eliminate such customs. The Government had criminalized a number of practices, such as female genital mutilation and *trokosi*, but significant time and resources would be required to change societal norms and bring the chieftaincy system's regulations into line with the Convention.

28. The amended Domestic Violence Act would be implemented by December 2014, following approval by Parliament. The Government had cooperated with national health-care providers to ensure that victims of domestic violence no longer had to pay for medical treatment, and the three shelters for victims of domestic violence should be operational by 2015.

29. Reconciliation was promoted under the Domestic Violence Act to reflect the legal pluralism and coexistence of various forms of marriage in Ghana. Traditional mediation processes were less adversarial than proceedings in formal courts. She cited a case in which a young woman from Accra had been bound in chains and taken to the north of the country to be forced into marriage by her father. She had then been rescued by the police and her father tried and convicted in a court of law. The victim had testified against her father at the trial and was currently ostracized by the family. The family considered that the convicted person had only been fulfilling his role as father and that the victim had brought dishonour on the family by refusing to marry. She was currently without a family — for Ghana, family meant everything — and could no longer rely on an NGO which had been giving her support, as it had run out of money. The social and cultural environment in Ghana had therefore underpinned the inclusion of avenues for reconciliation in the Domestic Violence Act provided that the parties agreed to mediation. Not all cases of domestic violence were eligible for mediation, but when there was the possibility of reconciliation in cases

involving lesser offences, reconciliation was recommended. Her delegation would provide data on cases that had been settled through reconciliation at a later date.

30. **Ms. Bob-Milliar** (Ghana) said that the Government had taken several measures in order to abolish the practice of accusing women of witchcraft and raise awareness about and close down so-called witch camps. It had recently removed 132 women from such camps and reintegrated them into their communities. Steps had been taken to provide victims with cash benefits through the Livelihood Empowerment against Poverty Programme (LEAP) and access to health care so as to facilitate their reintegration into society, and the Government had held consultations with various stakeholders in order to discuss how to permanently shut down the camps.

31. **Ms. Ayamba** (Ghana) said that women and girls in the north-east of the country continued to be subjected to female genital mutilation and families continued to flout Ghanaian legislation and take their daughters across the border to Togo and Burkina Faso to have the procedure performed. The Government took the issue very seriously and, in addition to adopting legislation prohibiting the practice, had held numerous conferences with NGOs and women's groups to mobilize resources and conducted regular awareness-raising training sessions with women and girls in the affected areas. The Government remained equally committed to combating other customary, harmful practices against women and had taken steps to eradicate traditional widowhood rites and levirate.

32. The *kayayei* — or female head porters — were generally girls and women aged between 8 and the mid-30s. Most travelled from the three northern regions to the south in search of work because of poverty and lack of education, but some were fleeing traditional practices such as female genital mutilation and early marriage. They lived in very poor conditions, often sleeping outside, and were very vulnerable to rape, teenage pregnancy and forced marriage. The Government was making efforts to improve their situation, starting by gathering first-hand information on their living conditions. One of the suggestions was that they should be provided with skills training back home, for example to make shea butter, for which there was already an established market. They could also receive support under the LEAP programme to return to school.

33. Trafficking was a major problem and was often difficult to address because the children were told that they were being taken away by a relative to go to school, but in fact ended up working on a farm, in the mines or at sea. The Government was taking a strong stance against the practice, which served as a deterrent to other would-be traffickers.

34. **Ms. Lithur** (Ghana) said that there were 112 district courts, 49 circuit courts and 30 high courts in the country. The Human Trafficking Act and its definition of trafficking were in conformity with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). Ghana was continuing its efforts to secure funding from the international community to ensure adequate staffing for the Human Trafficking Secretariat. The Management Board was an inter-agency coordinating body and worked very closely with the Anti-Human-Trafficking Unit. A database on trafficking had been set up to rectify the problem of a lack of disaggregated data in that area. One of the obstacles to prosecution and conviction was that at many points of origin and destination, people did not consider trafficking to be a crime. In many coastal communities, for example, young children who were good swimmers were given up by their parents and sold to fishermen to work on the rivers and lakes. The Anti-Human-Trafficking Unit was now turning its attention to engaging with communities, creating awareness that such practices were a crime and strengthening cooperation with local police. In partnership with an NGO, efforts were also under way to establish a shelter and rehabilitation centre for rescued victims of trafficking.

35. **Ms. Acar**, referring to the use of reconciliation in cases involving forced marriage, said that there was a need to adopt a new perspective on reconciliation and refrain from using it in cases of violence. Noting that reconciliation was practised provided that both parties agreed to mediation, she pointed out that the parties were not always in an equal position to agree or disagree. Victims, for example, were not in a position to bargain.

36. **Ms. Simonović** said that she would welcome additional information on the number of women living in the camps for women accused of witchcraft, the remedies available to them and who ran the camps. How was the Government addressing their situation?

37. **Ms. Jahan** asked how many prostitutes who had left the profession had taken advantage of available social schemes and loan programmes, whether the Government encouraged victims of trafficking to assist in the investigation and prosecution of traffickers and whether witness protection was provided for.

38. **Ms. Lithur** (Ghana) said that the affirmative action bill did refer to quotas and provided that the Government should ensure that not less than 40 per cent of appointments to positions of authority and decision-making were women. At the local level, for the first time there was an obligation for at least one of the mayoral candidates put forward to be a woman, and half of the 30 per cent of appointed district assembly members must be women.

39. With regard to women accused of being witches, the camps were places of refuge for those women, who were fleeing communities where they had been ostracized. Women even travelled from neighbouring countries to stay in the camps. One or two of the camps had been set up by the Presbyterian Church. The number of women in the six camps ranged from 3 to 273. In a recent case, a traditional leader who had asked a woman to leave the village on the grounds that she had bewitched a young girl had been prosecuted. Together with civil society, the Ministry of Chieftaincy and Traditional Affairs was working to address the problem with local chiefs, who were the gatekeepers of tradition on that issue. Progress was being made in reintegrating women into their communities and the possibility of closing down some of the camps was being considered.

40. Witness protection was available, especially for victims of human trafficking. While cases were being investigated and prosecuted, victims were provided with support including shelter, food and security, and they assisted in investigations. Communities identified as vulnerable to trafficking were included in social protection programmes and provided with cash transfers.

Articles 7 to 9

41. **Ms. Zou** Xiaoqiao said that, although a number of women had been appointed to high-level posts, in general, the proportion of women in Parliament and the judiciary remained inadequate and there was a big gap between the real figures and the 40 per cent target. She asked what the main obstacles to greater participation of women were and what measures had already been adopted to reach the targets. For example, were there campaigns to raise awareness among traditional and religious leaders of the importance of women's participation in political and public life? She asked whether progress was being made towards achieving the target of 50 per cent of female members for the National Peace Council and about the current composition and functions of that body. Were measures in place to encourage political parties to fix a quota for women in parliamentary elections?

42. **Ms. Gabr** asked whether any progress had been made since the last review in relation to the possibility of women passing on nationality to their spouse.

43. **Ms. Lithur** (Ghana) said that under the constitutional amendment bill currently before Parliament nationality could be transmitted by either spouse. With regard to women's participation in political life, the State acknowledged that the number of women

in Parliament was low, and one of the main reasons for that was that the political system in Ghana involved first-past-the-post elections, which were very competitive and focused on winnable candidates rather than ensuring gender balance. Unfortunately, a proposal to review the system by introducing quotas had not been accepted during the adoption of the Constitution in 1992. Since then, the affirmative action bill had been drafted with a provision requiring political parties to adopt a 40 percent quota. The enforcement of that provision had been strongly supported by civil society, which conducted vibrant campaigns to promote women's participation, including drawing up a list of female politicians who could be appointed as cabinet ministers. Although the campaigns had not yet resulted in an increase in numbers, they had led to greater awareness and deeper understanding. Other major obstacles included a lack of literacy and education and the traditional role of women.

44. **Ms. Kusi** (Ghana) said that many women failed to be elected to Parliament because of a lack of financial resources to fund their campaigns. As the number of seats in Parliament had been increased, the proportion of female parliamentarians had fallen, and now stood at 10.9 per cent. A number of NGOs provided funding to aspiring female members of Parliament and campaigned for qualified women to stand for election.

45. **Ms. Lithur** (Ghana) said that 4 per cent of all women aged between 15 and 49 had undergone female genital mutilation, although that figure was 41 per cent in one region. The vast majority of women were in favour of discontinuing the practice. The National Peace Council was one of the State bodies that were doing well in integrating women. At a recent workshop, the Council, the Department of Gender and other stakeholders had worked together on implementing the plan of action on Security Council resolution 1325 (2000).

Articles 10 to 14

46. **Ms. Haidar** commended Ghana on the progress made on temporary special measures in the field of education. She wondered how the State party intended to address the huge gap between urban and rural areas in terms of educational infrastructure, access to schools and sanitation and the increasing marginalization of girls from the poorest families. She expressed concern about the privatization of education, which appeared to be creating a growing divide, and asked who was responsible for quality control and guaranteeing consistency of school curricula throughout private and public systems. She also expressed concern at the alarmingly high rate of teenage pregnancy and wondered whether it might not prompt the authorities to introduce reproductive health and sexual education at an earlier stage. She would be interested to know what percentage of the national budget did the State party intend to allocate to education and its position on making schools more accessible for children with disabilities.

47. **Mr. Bruun** said that the problem of a lack of monitoring mechanisms and enforcement of legislation in the field of employment persisted. He also expressed concern with the low number of complaints of violations of women's rights filed with the Commission on Human Rights and Administrative Justice. Although there were many individual projects to address problems related to women's employment, there did not seem to be any comprehensive policy in place to consistently promote the position of women in employment. Noting that the provisions on sexual harassment in the Labour Act did not cover hostile work environments, he wondered what the Government intended to do to address that issue. He also expressed concerns over child labour and the situation of domestic workers and asked whether the State party planned to ratify the International Labour Organization Domestic Workers Convention (No. 189). He would also be interested to hear about efforts to improve basic safety for women working in markets.

48. **Ms. Nwankwo** said that, although the maternal mortality rate had consistently declined, much remained to be done to meet the relevant Millennium Development Goal

target by 2015. She expressed concern that many abortions were still unsafe and resulted in a high rate of hospital admissions and deaths. There appeared to be a lack of awareness about the law on abortion and cultural, religious and traditional stigmas were still attached to abortion. What was the Government doing to ensure that such stigmas were removed? She would appreciate information on mechanisms to ensure widespread dissemination of information on reproductive health and family planning and how the Government was addressing the urgent need for contraception, particularly in rural areas and among poor women. She asked about the challenges faced by the national health insurance scheme, including a lack of funding and delayed reimbursement of claims.

49. **Ms. Bareiro-Bobadilla** stressed the importance of ensuring women's financial independence in order to achieve substantive equality. It was important that women had access to larger loans as well as microcredit. She would welcome additional information on women's access to property, including the proportion of female homeowners and landowners in rural and urban areas. She also wished to hear more about widows who, in practice, were often expelled from the marital home on the death of their husbands and on access to social security, pensions and family benefits.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the1254th meeting
Held at the Palais des Nations, Geneva, on Friday, 24 October 2014, at 3 p.m.

Chairperson: Ms. Jahan

Contents

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined sixth and seventh periodic reports of Ghana (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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In the absence of the Chairperson, Ms. Jahan, Vice-Chairperson took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Ghana (continued)
(CEDAW/C/GHA/6–7; CEDAW/C/GHA/Q/6–7; CEDAW/C/GHA/Q/6–7/Add.1)

1. *At the invitation of the Chairperson, the delegation of Ghana took places at the Committee table.*

Articles 10 to 16

2. **Ms. Lithur** (Ghana), replying to questions posed at the previous meeting, said that education was a priority for her Government and absorbed 30 to 40 per cent of the national budget. To narrow the gender gap in education, the National Girl Child Education Directorate tackled factors hindering girls' ability to enrol in, attend and finish school. Measures targeting so-called deprived districts included scholarship aid for needy girls and improvements in school infrastructure. Pregnant girls and new mothers were allowed to return to school or, if necessary, transfer to a different school. Her Government would consider the Committee's recommendation to start reproductive health and sex education earlier in the curriculum. The Ministry of Gender, Children and Social Protection, together with the United Nations Population Fund, was implementing a pilot programme to increase girls' awareness of their reproductive health rights. If the pilot in three coastal districts was successful, it was expected to be implemented countrywide.

3. Fewer than 30 per cent of schools were operated by private entities, though more than half of vocational schools were. Teacher training institutions were all owned and run by the Government, which also ran schools for students with disabilities. Under current policy the mainstreaming of such students was encouraged.

4. Data from 2012 indicated that women's and men's participation rates in the labour market were 69 per cent and 72 per cent respectively, with slightly higher figures in urban areas.

5. Compliance with labour law was monitored by the Labour Department and the Ministry of Employment and Labour Relations. The large informal employment sector employed more women than men, and a fair number of its workers belonged to unions. The National Labour Commission had a grievance mechanism for employees and employers. Her Government had not ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) but would consider doing so. Preliminary steps were being taken, in collaboration with various stakeholders, to create a legal framework for regulating domestic work.

6. Replying to questions on other topics, she said that 12 per cent of the members of the various peace councils in Ghana were women. The Government was renovating the Kumasi open-air market, one of the largest in West Africa, and was seeking partnerships with private entities to refurbish other markets in the country. It was also taking other steps to support market workers, most of whom were women. Some institutions, such as the University of Ghana and some corporations, had adopted policies concerning sexual harassment, which was defined in the Domestic Violence Act. The unmet need for family planning had dropped to 26 per cent of the total need, while the use of contraceptives was rising.

7. **Ms. Kusi** (Ghana) said that, while abortion was treated as a criminal offence in Ghana, women could now obtain a legal abortion if their pregnancy fell into one of three

categories specified by the law. Most abortions in Ghana now were performed by medical practitioners in hospital-like settings. With more institutional support for family planning, which was covered by the public health insurance scheme, and with more education, abortion rates had dropped dramatically.

8. **Ms. Lithur** (Ghana) said that governmental guidelines and protocols relating to abortion had been revised in 2013 to make them more comprehensive. Women could request an abortion if they met one of the three legal conditions. Health-care providers, including midwives, were being trained in up-to-date methods, and the health authorities and civil society were working to educate the public about the issue and reduce the stigma associated with abortions. Police officers were trained to enforce abortion law, including Act 29, section 58, of the Criminal Code. Her delegation would inform the Committee shortly whether obstetrical emergencies were covered by the public health insurance scheme.

9. She disputed the allegation that the national health insurance scheme was collapsing. While there were some challenges in the Ashanti Region and with payments for certain providers, the scheme remained one of Africa's best.

10. Ghanaian women had traditionally maintained economic independence even in marriage. They could acquire land and other property in their own name without a spouse's approval. The courts acted in accordance with the law, though it was true that disputes did not always reach the court system. In addition, Muslim law, to which a portion of the population adhered, conflicted with Ghanaian law in some respects. The Intestate Succession Law, 1985 (PNCD Law 111), which governed widows' inheritance rights, was being reviewed by Parliament. She emphasized that when husbands died intestate, widows had no legal obligation to repay their dowry in order to inherit common property.

11. **Ms. Ayamba** (Ghana) said that, while the national budget did not include a separate line for family planning, the Government spent some 1.2 million cedis annually on family planning, mainly contraceptives, and received additional funding from donors. Some 1,500 community health nurses had been trained to assist with family planning in rural areas. Counselling was available for rural women as well as for men, whose support was necessary for initiatives to succeed. Adolescents were first offered abstinence counselling and were also provided with family planning resources if they specifically requested them. Health days were held in high schools to raise awareness of issues relating to reproductive health.

12. **Ms. Lithur** (Ghana) said that the Government had established girls camps during the school vacation to encourage junior and senior high school students to succeed and remain in the education system. The Ministry of Education had also launched a project to build 200 senior high schools, with the support of the Ghana Education Trust Fund and the World Bank, and scholarships would be made available to senior high school students, 60 per cent of which would be awarded to girls.

13. **Mr. Bruun** asked whether the Labour Department played a role in the complaints procedure in sexual harassment cases. Recalling that ILO had recommended that the State party should introduce a specific reference to gender discrimination and sexual harassment in its laws, he asked whether any relevant amendments had been made.

14. **Ms. Bareiro-Bobadilla** requested global figures on landownership, ideally disaggregated by gender and geographical location.

15. **Ms. Haidar** said that narrowing the education gap between rural and urban areas was not simply a matter of physical infrastructure; efforts should be stepped up to attract and retain teachers in more remote or underprivileged areas. She asked what measures were taken to prevent girls who were accused of witchcraft from dropping out of school.

16. **Ms. Gabr** asked what opportunities were available to women to work and be accepted in the country's burgeoning oil and gas industry and to study in that field.

17. **Ms. Nwankwo** said that the Committee's information regarding dysfunctions in the National Health Insurance Scheme had been taken from research conducted on the ground and should therefore not be dismissed.

18. **Ms. Lithur** (Ghana) said that the National Health Insurance Scheme was operational and that increasing numbers of people were joining it. Coverage currently stood at over 67 per cent. The government policy on oil and gas contained a gender component and women were actively encouraged to enter the industry. Over two thirds of women in witch camps were more than 70 years old. There was no data on girls accused of witchcraft, but it was hoped that the establishment of the Mental Health Fund would facilitate data collection. The Ministry of Education was introducing a zero-tolerance policy towards teacher absenteeism. Obtaining global figures on land tenure was difficult owing to inheritance practices under customary law and the clan system. A legal framework had been enacted regarding sexual harassment in the workplace, but no information was available on the number of organizations that had adopted anti-harassment policies. She was not aware that any laws had been amended to include a specific reference to gender discrimination and sexual harassment.

19. **Ms. Gabr** asked how children were protected against the potential adverse effects on their education of customs depriving widows of their inheritance.

20. **Ms. Lithur** (Ghana) said that, since the promulgation of the Intestate Succession Law, 1985 (PNDC Law 111), there had not been many cases of widowed mothers being forced to leave their homes. Moreover, evicting a widow from her home was an offence under the law, even if she was living in government housing, and a notice period had to be observed. Therefore, the key was to ensure that women were aware of their rights and of the fact that they could appeal to the police. In that connection, civil society had been instrumental and the Law had been translated into local languages. When such evictions did occur, the police and social welfare services stepped in to ensure that children were protected.

21. **Ms. Bareiro-Bobadilla** commended the State party on its excellent non-governmental organizations (NGOs). Pointing out that the rural population was far from being a minority as it made up nearly half of the country's population, she said that rural inhabitants, especially women, were widely discriminated against compared to their urban counterparts and were disproportionately affected by customary law. She asked what percentage of the population currently had access to drinking water. Noting that more rural women were employed than men, she said that it would be interesting to know what type of work they did, specifically whether it was stable and whether they had social security coverage. She wished to know how much control women, especially unmarried women, had over their income and in decisions regarding their health. Although the State party had a range of programmes for rural women, it would be advisable to adopt a comprehensive rural development plan with a gender perspective.

22. **Ms. Lithur** (Ghana) said that land reform was addressed in the Land Administration Project. The Government was aware of inequalities in terms of development and access to public services and had focused its social protection programmes primarily on rural areas. For example, education was free in the northern part of the country. However, it was important to also consider the urban poor. Employed rural women tended to be engaged in crop farming. They did not hand over their income to their husbands, but their income was meagre. The Government had set up rural public works programmes during the lean season in which women could also take part. Data on access to drinking water would be available once the sixth Ghana Living Standards Survey had been completed.

23. The Community Health Planning System included a referral mechanism for prenatal care, children's immunizations and malaria treatments. The System was a very innovative solution for health-care provision that the Government was exporting abroad and planned to expand. In addition, the Ministry of Health intended to train extra community nurses and medical assistants, expand mobile health care and explore the use of new technologies in health care. Providing statistics on the division of household chores between men and women, she said that gender roles were instilled at a young age. Accordingly, efforts were under way, in collaboration with the Government of the United States of America, to review educational materials and remove negative stereotypes.

24. **Ms. Schulz** expressed concern at the slow pace of progress regarding the property rights of spouses bill and at the possibility that it might not cover women in de facto unions. What was the Government was doing to ensure that, prior to the end of its current term of office, the bill would be enacted in its present form and would offer protection to cohabitants? Moreover, what was the situation with regard to the intestate succession bill? She asked whether the National House of Chiefs would be encouraged to codify customary law and eliminate socially harmful customs, including dowry payments. She wondered what was being done to tackle the issue of polygamous marriage and whether the Government was cooperating with the National House of Chiefs in order to promote change in that regard. For instance, were there plans to amend the relevant article of the Constitution?

25. She enquired about targets set for reducing the number of child, early and forced marriages and priorities established for the populations and regions most affected. She asked what steps had been taken to promote the registration of customary law marriages, whether women married under customary or religious law seeking a divorce benefited, in practice, from the more favourable solutions offered by the Matrimonial Causes Act, or whether the courts had to apply customary or religious law. She wondered whether the *Mensah v. Mensah* ruling applied to all divorce cases, without exception, and whether it had had an impact on the decisions of customary or religious authorities. Lastly, What proportion of divorce cases were ruled on in court and what proportion were dealt with by the customary or religious authorities?

26. **Ms. Lithur** (Ghana) said that the property rights of spouses bill had been referred to the Ministry of Justice to seek its advice on the possibility of including a legal definition of cohabitation. In Ghana, there were several forms of legally recognized marriage, thus the adoption of such a bill required extensive consultations. It was difficult to define cohabitation, owing to the wide variety of marriage traditions in Ghana. There was no real opposition in Parliament to the intestate succession bill. The National House of Chiefs had already begun codifying customary law and it was considered that consultations were required regarding dowry payments.

27. There were indications that there had been a fall in the number of polygamous marriages. The Law Reform Commission had been preparing a report on the forms of polygamous marriage that existed in Ghana; however, polygamy formed an intrinsic part of national culture and any attempts to tackle the issue must be based on consultations, and awareness-raising to change attitudes. Such an approach had helped to reduce the incidence of female genital mutilation. The Government had established a comprehensive legal framework protecting the rights of women in polygamous marriages in terms of domestic violence, the dissolution of marriage, property, inheritance and health care. Harmful traditional practices were prohibited under the Constitution. Women married under customary or religious law could avail themselves of the Matrimonial Causes Act and were entitled to alimony and a half-share in property. The *Mensah v. Mensah* ruling had not had a significant impact on the various authorities concerned. Data on divorces were available from the Judicial Service and the court registries, but it would be almost impossible to

collect information on the dissolution of customary law or religious marriages celebrated within families. Nonetheless, the procedures involved in the dissolution of customary law marriages were straightforward, albeit undocumented.

28. **Ms. Schulz** asked whether there was only one bill covering cohabitation and harmonization of all forms of marriage; furthermore, had a time frame been established for the passage of such legislation? Finally, were the conditions relating to and the impact of the dissolution of customary law marriages discriminatory against women?

29. **Ms. Lithur** (Ghana) said that the property rights of spouses bill was different from the bill harmonizing legislation on marriage, which would regulate the various forms of marriage existing in Ghana and provide for divorce. No time frame had yet been set for the adoption of either bill. The conditions relating to and the impact of the dissolution of customary law marriages were somewhat discriminatory. Consequently, the Government encouraged women to go through the courts and to avail themselves of the Matrimonial Causes Act.

30. **The Chairperson** thanked the delegation for its responses to the questions of the Committee members and asked Ms. Lithur whether she had any closing remarks.

31. **Ms. Lithur** (Ghana) thanked the Committee members for their comments, which would help the State party to devise more targeted and strategic measures. The Committee's concluding observations on the previous report of Ghana had provided extremely useful guidance regarding programmes of work, the passing of legislation on domestic violence and the preparation of a bill on affirmative action. Ghana would work to ensure that there was full compliance with the Convention and that adequate funds were set aside for that purpose.

32. **The Chairperson** thanked the delegation for engaging in the constructive dialogue. The Committee recognized that the State party faced many challenges regarding the promotion of gender equality and the elimination of discrimination against women. She commended the State party on its efforts and encouraged it to take all the necessary steps to address the recommendations of the Committee in future.

The discussion covered in the summary record ended at 5 p.m.